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(Pasta)

The Professional and Administrative Staff Association of The Museum of Modern Art

MOMA
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FILE

11 West 53 Street, New York, N. Y. 10019

FACT SHEET

September 1973

Who We Are: PASTA/MOMA (The Professional and Administrative Staff Association of The Museum of Modern Art) was formed by members of the Museum staff in June 1970. In June 1971, following an election held under National Labor Relations Board supervision, we were certified as collective bargaining agent for all staff members not deemed managerial or represented by other unions (guards, electricians, projectionists, etc.). As Local 1, Museum Division, of the Distributive Workers of America, we are the first such union in any museum in the United States.

Currently, our bargaining unit comprises 70 percent of the Museum's total staff not represented by other unions, as against 30 percent in managerial positions. We include members of the curatorial staff and waitresses; librarians and secretaries; conservators and administrative assistants; editors, and bookstore and information-desk staff; bookkeepers and receptionists; etc., etc.--in short, the majority of those charged with carrying out the Museum's functions.

The Present Situation: Our first two-year contract with the Museum has expired, and we are now engaged in negotiating a second one. Our demands include not only adjustments in wages, pensions, health benefits, etc., but also the right to representation on the Board of Trustees and its Committees, so that our combined experience may contribute to the decision-making process.

After weeks of negotiating sessions, the Museum has offered virtually no increase in fringe benefits and an across-the-board increase in our present substandard salaries of only 5 to 5 1/2 percent -- far below the past year's rise in cost-of-living, which still continues to soar.

It is a fact that 28 percent of our bargaining unit make less than \$7,000. a year. 54 percent make less than \$8,500. per year; this means a take-home pay of substantially less than \$130. per week.

It is a fact that only 7 percent of our bargaining unit earn salaries of \$12,500. or more.

It is a fact that salaries of top management in the Museum have approximately doubled in the last ten years, while salaries of the remainder of the staff have increased by less than one third.

It is a fact that more than 75 percent of the entire professional and administrative staff are women, yet more than 75 percent of top management positions are held by men.

The Museum claims it wishes to recruit and retain the best possible staff, but refuses to grant merit increases (recommended by the management consultant firm it hired at huge expense several years ago).

The Museum has refused to permit us to participate in policy-making, but simultaneously refuses our demand for overtime pay on the grounds that we are "professionals."

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Why the Public Should Support PASTA/MOMA: We are committed to the concept that the Museum exists for the sake of the public.

We believe that the deficit of over \$1 million per annum that the Museum has sustained for the past several years was not brought about by the public or the staff, but by policies and decisions of the Trustees and successive Administrations. It is they who for many years have failed to build up adequate endowment and pension funds, and who continue to permit many wasteful practices in the Museum's operations.

We do not believe the staff should be penalized by receiving substandard salaries, or the public by having to pay larger admission fees.

Admission fees were recently raised, in order to net approximately \$65,000 for operating expenses in the next fiscal year. A proposed 33 percent increase -- from 75 cents to \$1.00 -- in the fee for senior citizens was rescinded only after PASTA/MOMA protested.

Membership fees: These constantly increase, while privileges decrease. Result: a decline in the Museum's total membership.

WE STAND BY YOU -- PLEASE STAND BY US! Write the Museum to express support for PASTA.

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h Hayes Miller

Paintings and Drawings
March 6-31

n Artists

Zabriskie Gallery
29 West 57th Street, NYC 10019
(212) 832-9034

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EST BROADWAY, NY

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But if the protest was reminiscent of the past, the tenor of this year's confrontation between the two sides was much friendlier. By the time a new two-year contract was signed on December 20, both union and management agreed it was a fair bargain.

Under the new agreement, workers will receive a seven percent salary increase retroactive to July 1, 1978, and a six-and-one-half percent increase on July 1, 1979. Originally the museum had proposed a five percent increase for each of the next three years.

In addition, the museum agreed that in the future all employees on the staff longer than

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38 E
NEW
123



Eyes of Oedipus, 19



ADOLPH GOTTLIEB

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AVÉ EXHIBITION OF PAINTINGS

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of his recent exhibi-
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The final issue, whether or not membership in the union should be mandatory for all staff members, was dropped to speed the sluggish negotiations. "I could see this thing dragging on into March," Evens admits.

Spokesmen for the museum's management team seem adamant about keeping the museum an open shop, which leaves the option of membership in the union up to each employee. Of the 191 staff members eligible for the union, 93 are members.

"The museum has always taken the position that it is not compatible with professional organizations to require new employees to become members of the union in order to go to work," says deputy director Richard Koch. "People should be free to do as they please."

PASTA spokesmen, however, seem equally adamant. "The issue of the union shop will always come up," concludes Evens.

A new climate



Art in wood, such as this 12th-century Japanese statue, will soon fare better in Boston.

The oldest and greatest collection of Japanese art outside Japan, in the estimation of the Japanese government, belongs to the Boston Museum of Fine Arts. Compiled in the 1880s by curator Ernest Fenollosa, his successor Okakura Kakuzo and Boston physician William Sturgis Bigelow, the collection officially came to the museum in 1889. Since that year, its proportions have expanded to include 5,000 paintings, 60,000 woodblock prints, 7,700 ceramics

and 600 swords.

The weather in Boston, unfortunately, does not agree with the organic materials of which a great number of the Japanese artifacts are fabricated: due to extremes of humidity and sudden reverses of temperature in the city, a portion of the collection has not, in fact, survived.

According to museum director Jan Fontein, an unnamed "Japanese traveler" who visited the museum in recent years found much of the collection relegated to protective storage and reported the situation to the Japanese government. Bowing to the significance of the collection, much of which was acquired at a time when the Japanese were far less appreciative of their own artistic heritage, the Japanese government recently presented the museum with \$1.45 million for renovation and installation of climate control in galleries and storage areas devoted to Japanese art. The government of Japan, Fontein happily concludes, is "very conservation-minded, very enlightened and very, very generous." The museum will respond to the unprecedented grant with gratitude and a plaque naming Japan a "Great Benefactor" of the museum—the first time a government has ever been so honored in Boston. Renovations are scheduled for completion by the spring of 1980.

The FBI was not amused

Once upon a time there was an artist in the Middle West who grew tired of gazing at the face of George Washington when he posted his letters. Seizing inspiration, he designed a stamp showing the back of George's head rather than the familiar frontal view. Affixed to a letter, the stamp made its way out into the world, no doubt eliciting a smile from the recipient, possibly even a grin from a bored postal clerk. The FBI was not amused. The long arm of the law reached out and confiscated the artist's stamps, imposing no additional penalties except, presumably, a heavy lecture.

Photographer Al Souza relates the incident not as a cautionary tale but as evidence of the interest among artists in designing stamps. For most of them the primary impetus is not to rip off the government postal service but to make a personal statement which they believe can be most effectively done in the form of an "artist's stamp."

Souza, a photography instructor at Smith College whose photoworks have recently been shown in New York at the O. K. Harris Gallery, is the organizer of an exhibition, "Artists' Stamps," which recently concluded a year-long tour at the Allen Memorial Art Museum of Oberlin College in Ohio. The exhibition, also presented at Dartmouth, Williams and Rutgers campuses, included the work of 70 artists from 13 countries who use the size, format and imagery associated with postage stamps to create their own unofficial stamps.

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"Leaving the Shop"
Etching, circa 1925



Kenneth Hayes Miller

1878-1952

Etchings and Drypoints
March 6-31

Paintings and Drawings
March 6-31

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663 Fifth Avenue, NYC 10022
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Zabriskie Gallery
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(212) 832-9034

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APRIL

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ART NEWS 3/79

PASTA

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CLAVÉ

AN EXHIBITION OF NEW PAINTINGS

April 7 through May 4

after the great success of his recent exhibition in the Paris Museum of Modern Art



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SOHO WEEKLY NEWS 2/15/79

Artful Dodger

Gerald Marzorati



The Kykuit mansion on the Rockefeller family's Pocantico Hills estate in Westchester

Nelson's Legacy

A Nelson Aldrich Rockefeller Museum of Art?

Well, not in name, but certainly in effect, if the terms set down in the late Vice President's will filed last Friday in White Plains are carried out as he wished.

• The 64-page will bequeathes 27 modern art works valued at \$8.5 million to the Museum of Modern Art, 1610 primitive pieces worth more than \$5 million to the Metropolitan Museum, a good deal of art to his wife, Happy, as "tangible property" and several Oriental sculptures at the Rockefeller estate in Maine to a local foundation. Rockefeller requested that a considerable chunk of the total collection remain on the family estate at Pocantico Hills, where he hoped a park "for the general public" would then be established. Named beneficiary of Rockefeller's one-quarter interest in the 250-acre "park" grounds at Pocantico — the land is owned by the four Rockefeller brothers or their estates — on which rests many modern sculptures as well as the four-story family mansion, Kykuit, was the National Trust for Historic Preservation, a Washington-based private organization.

Specifically, Rockefeller left to the trust:

- All sculpture owned by Rockefeller located within the "park" area, except for works located in the Japanese House and Hawes House, which were left to his wife;
- "All tangible personal property" on the ground floor or in the art gallery at Kykuit, the Georgian-style pile that has been home to the Rockefellers since John D. Sr. founded the Standard Oil fortune;
- "All paintings and prints" on the second floor of Kykuit.

Just what art works were located within the park area and at Kykuit at the time of Rockefeller's death are not known, and numerous calls placed to Rockefeller's New York offices in hopes of speaking with Kendall P. Lukins, who assisted Rockefeller with his extensive holdings, were unavailing. It is believed, however, that a large portion of the Rockefeller cache of art and artifacts — known to include European porcelains, post-war American paintings and sculpture, modern

European art works, examples of American folk art, Asian decorative art works and scores of 20th century prints — was located in these spots. (Rockefeller had sold off a large number of his works during the past decade, and parts of his collection were kept in his various New York City residences.)

There is no guarantee, however, that the National Trust, a Washington-based private group concerned with environmental and preservation matters, will accept the offer of the Westchester parcel and mansion, and hence the art that comes with it. The trust, a spokesman said on Monday, usually makes a point of accepting gifts of land and buildings only if an endowment for upkeep comes along with it. "There was no mention of an endowment in the Rockefeller release," he added, referring to the statement on the will issued by the family last Friday. The board of the National Trust is to take up the matter at a meeting in May.

If the trust turns down the gift, the executors of Rockefeller's will — his brother, Laurance; the family's senior financial advisor, J. Richard Dilworth; and the family counsel, Donald C. O'Brien, Jr. — have been instructed to look for another non-profit organization (the will mentions Sleepy Hollow Restorations) to care for the gift.

There's been movement on the labor front recently at two of New York's leading art museums.

At the Whitney Museum of American Art, a number of clerical employees have filed for a union election in the hopes of establishing a collective bargaining procedure to negotiate what they say is an inequitable pay system. The clerical staffers — curators and heads of major administrative departments are not included — are seeking affiliation with Local 269 of the United Auto Workers.

An attempt four years ago on the part of a number of Whitney staffers — including curatorial personnel — to unionize failed to muster sufficient employee support.

A hearing at which the organizers and museum management will testify is scheduled for Friday at the National

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Artful Dodger

Continued from page 5

Labor Relations Board. The NLRB holds hearings of this sort in order to determine which employees are eligible to vote in a union election.

Though staff members at the Whitney declined to comment on the move to unionize, sources close to the matter say the primary issues are the establishment of a clear pay scale and the granting of raises to clerical staff members. Salaries at art museums in this country are traditionally below national scale in the private sector, and wages in the clerical ranks of art institutions have long been among the lowest. In the past, such jobs have often functioned as low-paying apprenticeships to curators, and have largely been filled by independently wealthy young men and women whose incomes have been supplemented by their families. Studies have pointed out, too, that the presence of large numbers of women in this kind of museum work has served to keep salaries low.

Palmer B. Wald, the Whitney's administrator, declined to comment on the union activity, saying he hadn't had sufficient time to consider the matter. He did volunteer, however, that it is the "traditional position" of management "not to favor" a union. The Whitney, not unlike most major museums, projects a deficit for this fiscal year, which ends in June.

Meanwhile, the Museum of Modern Art and the museum's Professional and Administrative Staff Association reached an agreement recently on a new two-year contract, which was overwhelmingly ratified by PASTA's 100 or so members. While the union failed to come up with a provision for mandatory union membership for all professional and administrative employees — the issue which led to nearly six months of often heated bargaining and a demonstration outside the museum last fall — PASTA did come away with a pact that guarantees its members a 13½ percent pay boost spread over two years, along with substantial raises in the minimum starting salary levels. Employees also received a number of other benefits, including a more comprehensive health plan, increased education benefits and the right to participate in certain hiring recommendations.

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Soho weekly
news
Sept. 28 '78

Artful Dodger

Gerald Marzorati



PASTA demonstrator — union shop (as his button indicates) is the immediate issue

MOMA's Labor Pains

Will the country's most prestigious private museum become a union shop?

The issue of mandatory union membership for professional and administrative employees at the Museum of Modern Art is shaping up as the crucial one between the Modern and the museum's Professional and Administrative Staff Assn. (PASTA), the Distributive Workers of America-affiliated union which represents middle-echelon MOMA staffers, excluding separately unionized maintenance and service people.

Contract talks between the museum and the union, which numbers 103 dues-paying members (under the present open-shop arrangement) among the 200-odd employees whose jobs fall under its jurisdiction, have reached an impasse over the issue of

whether workers whose jobs are covered by the association must join. And, say negotiators, yet another strike at the walk-out prone Modern, while not likely, remains a last-ditch possibility.

"The negotiating posture of both sides has become non-existent because of the issue of union security," said state mediator Solomon Kreitman, who had been sitting in on the now-stalled talks throughout the summer (PASTA's 30-month contract expired June 30). Kreitman added discouragingly, "I'm afraid this thing is going to take a long time."

Union members, some 75 of whom staged a noontime demonstration outside the museum last Tuesday night, argue that under the present open-shop setup the museum is able to pressure new employees

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not to join the union, thus diminishing PASTA's bargaining strength and thwarting the association's bid to present unified staff positions on policy issues.

PASTA staffers — assistant curators, secretaries and workers below department-head level, including cataloguers, conservators and researchers, book store and information desk employees — contend that museum officials have advised new employees that they can receive union benefits without joining, since PASTA is legally bound to bargain for and protect all workers under its jurisdiction. And, union members say, management-level museum staffers — curators and MOMA officials — often stress to young careerist staffers that advancements will be forthcoming more readily for those who abstain from union affiliation.

"Union-Busting Tactic"

"People are afraid of joining the union," said Sue Evans, a secretary-cataloguer in the museum's Mies van der Rohe archive and a member of PASTA's bargaining team. And I. Phillip Sipser, one of the union lawyers, said on Monday that while he knew of no specific examples of management harassment, he believed the museum's position in favor of maintaining an open shop to be "a union-busting tactic."

The museum, however, argues that the creation of a union shop would destroy the professional atmosphere of the institution.

"We're prepared to stick to this one issue because it would mean the destruction of museum professionalism," said Robert Batterman, lawyer for the museum. "These people aren't laborers, you know."

Batterman contends there are museum professionals who have no interest in joining the union, and that the museum, in forcing them to join, would be acting in a way it considered neither "appropriate or moral." And in answer to union charges of employee harassment, he offered: "It's nonsense. The museum never has to know [who joins the union]. There are members of PASTA who pay their dues directly and don't have it taken out of their pay."

"Now, there are times when a union shop is a legitimate issue," Batterman continued, explaining that he agrees initial contracts between newly formed unions and management often require a clause for mandatory membership, owing to fears on the part of the unions. "But we've lived and bargained collectively for seven years in an open shop."

It was in an attempt to bring collective bargaining to the Modern that PASTA was formed in June, 1970, initially to deal with the threatened dismissal of more than 100 employees by then-MOMA director John Hightower. The dismissal of 11 staffers six months later — Hightower and the Modern board were attempting to trim a \$1.2 million deficit — led to a threatened strike, averted "only when the museum rescinded the dismissal order."

Two Strikes

The association, which became the first union of museum professionals in April, 1971 (professional unions have since been organized at the Minneapolis Art Institute and the San Francisco Museum of Art), later called two strikes — for two weeks in Aug. 1971, over eight employee dismissals and for seven weeks in the fall of 1973 over a host of issues, most importantly wages and board representation.

Over the years the union has been effective in obtaining some pay increases for its members, but has fared far worse in securing long-sought policy-making input. There is still no union representation on the board and, staffers say, museum officials are, if anything, less accessible today than eight years ago.

"Personally, I think there's lots of antagonism between workers and management," offered Ronnie Baer, a staff assistant to the museum's supervisor of rights and reproduction, explaining that there's very little exchange of ideas —

pushing up or trickling down.

"They're still doing what they think is best for us," said another.

Along with the issues of a union shop and policy input there is, not surprisingly, still the matter of wages. Museum employees have traditionally been among the lowest paid professionals — due, in no small part, to the high percentage of women employed and the not-yet-outdated notion that, as one staffer put it, museum work "is the hobby of the leisure class."

The Troubled Tower

The recently expired contract established a sliding scale of wage increases averaging 7½ percent during the first year and across-the-board increases of 6 percent during the second year of the agreement. During last summer's talks the museum — strapped with a current deficit of \$975,000 and a dwindling \$13 million endowment — offered PASTA a three-year contract with a proposed 5 percent increase. Employees, many mentioning the \$3 million MOMA has spent on its troubled tower project, characterized the offer as "ridiculous" and "unfair."

"My work is obviously interesting but it doesn't mean I have to work for slave wages," commented Jon Gartenberg, a curatorial assistant in the department of film and a five-year employee of the museum who says he made \$10,335 last year.

And, echoed union lawyer Sipser, "To offer 5 percent on a high wage scale is one thing — to offer 5 percent on this low a scale is a fraud."

Museum negotiator Batterman, however, contends that the museum is prepared to show "flexibility" on the wage issue, but "we haven't even reached the wage issue. These negotiations have foundered on the union shop issue."

Just when the two sides will reach any issue is not clear, since talks are not yet scheduled to resume. PASTA has offered to send the matter to a fact-finding panel or binding arbitration, but the museum is reticent to leave the matter to a third party.

Says ever-cautious mediator Kreitman: "The situation doesn't lend itself to binding arbitration. We have to negotiate." •

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not to join the union, thus diminishing PASTA's bargaining strength and thwarting the association's bid to present unified staff positions on policy issues.

PASTA staffers — assistant curators, secretaries and workers below department-head level, including cataloguers, conservators and researchers, book store and information desk employees — contend that museum officials have advised new employees that they can receive union benefits without joining, since PASTA is legally bound to bargain for and protect all workers under its jurisdiction. And, union members say, management-level museum staffers — curators and MOMA officials — often stress to young careerist staffers that advancements will be forthcoming more readily for those who abstain from union affiliation.

"Union-Busting Tactic"

"People are afraid of joining the union," said Sue Evans, a secretary-cataloguer in the museum's Mies van der Rohe archive and a member of PASTA's bargaining team. And I. Phillip Sipser, one of the union lawyers, said on Monday that while he knew of no specific examples of management harassment, he believed the museum's position in favor of maintaining an open shop to be "a union-busting tactic."

The museum, however, argues that the creation of a union shop would destroy the professional atmosphere of the institution.

"We're prepared to stick to this one issue because it would mean the destruction of museum professionalism," said Robert Batterman, lawyer for the museum. "These people aren't laborers, you know."

Batterman contends there are museum professionals who have no interest in joining the union, and that the museum, in forcing them to join, would be acting in a way it considered neither "appropriate or moral." And in answer to union charges of employee harassment, he offered: "It's nonsense. The museum never has to know [who joins the union]. There are members of PASTA who pay their dues directly and don't have it taken out of their pay."

"Now, there are times when a union shop is a legitimate issue," Batterman continued, explaining that he agrees initial contracts between newly formed unions and management often require a clause for mandatory membership, owing to fears on the part of the unions. "But we've lived and bargained collectively for seven years in an open shop."

It was in an attempt to bring collective bargaining to the Modern that PASTA was formed in June, 1970, initially to deal with the threatened dismissal of more than 100 employees by then-MOMA director John Hightower. The dismissal of 11 staffers six months later — Hightower and the Modern board were attempting to trim a \$1.2 million deficit — led to a threatened strike, averted only when the museum rescinded the dismissal order.

Two Strikes

The association, which became the first union of museum professionals in April, 1971 (professional unions have since been organized at the Minneapolis Art Institute and the San Francisco Museum of Art), later called two strikes — for two weeks in Aug. 1971, over eight employee dismissals and for seven weeks in the fall of 1973 over a host of issues, most importantly wages and board representation.

Over the years the union has been effective in obtaining some pay increases for its members, but has fared far worse in securing long-sought policy-making input. There is still no union representation on the board and, staffers say, museum officials are, if anything, less accessible today than eight years ago.

"Personally, I think there's lots of antagonism between workers and management," offered Ronnie Baer, a staff assistant to the museum's supervisor of rights and reproduction, explaining that there's very little exchange of ideas —

pushing up or trickling down.

"They're still doing what they think is best for us," said another.

Along with the issues of a union shop and policy input there is, not surprisingly, still the matter of wages. Museum employees have traditionally been among the lowest paid professionals — due, in no small part, to the high percentage of women employed and the not-yet-outdated notion that, as one staffer put it, museum work "is the hobby of the leisure class."

The Troubled Tower

The recently expired contract established a sliding scale of wage increases averaging 7½ percent during the first year and across-the-board increases of 6 percent during the second year of the agreement. During last summer's talks the museum — strapped with a current deficit of \$975,000 and a dwindling \$13 million endowment — offered PASTA a three-year contract with a proposed 5 percent increase. Employees, many mentioning the \$3 million MOMA has spent on its troubled tower project, characterized the offer as "ridiculous" and "unfair."

"My work is obviously interesting but it doesn't mean I have to work for slave wages," commented Jon Gartenberg, a curatorial assistant in the department of film and a five-year employee of the museum who says he made \$10,335 last year.

And, echoed union lawyer Sipser, "To offer 5 percent on a high wage scale is one thing — to offer 5 percent on this low a scale is a fraud."

Museum negotiator Batterman, however, contends that the museum is prepared to show "flexibility" on the wage issue, but "we haven't even reached the wage issue. These negotiations have foundered on the union shop issue."

Just when the two sides will reach any issue is not clear, since talks are not yet scheduled to resume. PASTA has offered to send the matter to a fact-finding panel or binding arbitration, but the museum is reticent to leave the matter to a third party.

Says ever-cautious mediator Kreitman: "The situation doesn't lend itself to binding arbitration. We have to negotiate."

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- Pasta -

The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

MOMA
LIBRARY
ARCHIVES
PAMPHLET
FILE

August 14, 1978

PASTA members are shocked and outraged by the August "MoMA Staff News." The Museum has chosen to undermine the negotiating process and go over the heads of our negotiating team with Jane Rice's distorted comments on our demand for a Union Shop. The union's attorney advises us that such use of the "Staff News" is "a very dubious labor practice," and it is clearly the Museum's opening volley in an attack on the union during this most sensitive period of negotiations.

To begin with, the Museum misrepresents our position when it says that a Union Shop is our "major goal." It is certainly an important issue to PASTA, but as great emphasis has been given to resolving the question of "temporaries" and to our economic needs. By singling out this one issue the Museum has attempted to make us appear intransigent and has attempted to camouflage the fact that it has given only cursory and negative responses to virtually everything in our demand letter!

The 1971 PASTA memo which Ms. Rice quotes reflects a certain innocence on the part of the fledgling union. We have since learned through bitter experience just how necessary union security is in this institution. The fact that the Museum has issued its provocative statement at this time indicates that it, too, now realizes just how important it is to our strength and survival as a viable force for the rights of the employees. In the discussions surrounding the drafting of our current demand letter there was virtual unanimity in the support of our members for this demand. This rethinking of the union's 1971 position clearly reflects the staff's frustration in dealing with the Museum's insensitivity over the last seven years.

In addition, we were misinformed in 1971 - there is nothing whatsoever illegal about a Union Shop, rather it is specifically validated by the National Labor Relations Act (sect. 8(a)(3)). Union security exists throughout industry, and it is a common phenomenon in cultural institution. A Union Shop is a fair and democratic institution whereby those who reap the benefits of having a union pay their fair share, and contribute equally in the decision-making processes of the union. It provides strength through unity, and prevents management from turning the employees against one another, as the Museum Administration has attempted to do in the instance of the "Staff News" article.

As usual in negotiations the Museum is pleading poverty and asking our cooperation in settling for less than a living wage. With regard to Union Security, they have the opportunity to give us something the members of the union clearly want and something which would not cost the Museum a penny. The union will not accept continued economic deprivation coupled with total intransigence on the matter of our security.

FIND OUT MORE ABOUT UNION SECURITY AND THE OTHER MAJOR ISSUES. ATTEND A PASTA SEMINAR on Thursday, August 17, 5:30 (Room 409) or Wednesday, August 23, 5:30 (Room 409).

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MoMA staff news

AUGUST 1978

PEARL MOELLER
LIBRARY

CONTRACT NEGOTIATIONS

In the negotiations with Local 1 P.A.S.T.A., which have been underway since June, Local 1 has informed us that their major goal is the achievement of a "union shop." This is an absolute reversal of their previous position, as stated in the June 3, 1971 memo reproduced below in reliance upon which many employees voted in favor of bringing in the union:

"In the memorandum delivered to the staff at 4:30 PM on the eve of the election, Mr. Hightower has again chosen to raise the scare issue of 'union shop.' This is in spite of repeated assurances that we are interested only in an 'open shop,' precisely because our Association was formed to respect the dignity of individual employees - something we felt the Administration often failed to do.

But not only would it be incompatible with our principles to coerce fellow employees - it would be actually illegal for the Association even to ask for a union shop. This could be decided only by a majority vote for all its members. We can only once again reiterate that we shall continue to use our influence to maintain an open shop at the Museum. Neither we, nor the Distributive Workers of America, are interested in the paltry additional sum that might accrue to our coffers from a few score extra members.

To cite 'most unions' and 'other unions' as a precedent for our Association is a devious bit of phony flim-flam. We are proud to have chosen to accept the charter of the Distributive Workers of America and become Local 1,

Museum Division, precisely because of their liberal stand which assures full autonomy to each Local to make its own decisions regarding membership, job actions, and all policy matters. We have written assurances to that effect from the DWA's Executive Vice President: so let's talk about our union, not several others - okay?..."

The Museum's negotiating committee is willing to meet as often as necessary to settle the economic issue, and discussions of the temporary, grant-funded issue have revealed some common ground. The Museum has not changed its position on the issue of a union shop.

Jane G. Rice

DEPARTMENT NEWS--A SERIES

From MoMA's two Technical Apprentices:

In March 1978, the Museum was awarded a National Endowment for the Arts grant to create two technical apprenticeships in exhibitions preparation and production. The two apprentices hired are Carol Weliky and Louis Quinones-Ruiz. They will, during their one year tenure at MoMA, be rotated among the Shipping/Receiving, Framing, Carpentry and Installation departmental areas in order to obtain maximum exposure to all facets of preparation and production responsibilities.

Carol Weliky came to MoMA from another apprenticeship program in refrigeration engineering sponsored by the International Union of Operating Engineers. She had not thought of museum work before arriving here and, indeed, states that her experience at MoMA has opened up a new set of possibilities for her. Carol has always wanted to work with her hands and is especially looking forward to being assigned

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to the Carpentry area. She is currently working in the Frame Shop, under the able supervision of Bruce Collins, where she has been most impressed with the meticulous fashion in which every job is approached. Carol had the occasion to speak at the Eastern Seaboard Apprenticeship Conference this year, as a representative of MoMA.

Louis Quinones-Ruiz worked in two very small art museums and one archaeological museum before coming to MoMA. Louis finds the more sophisticated art handling techniques employed by MoMA staff very enlightening. He is currently assigned to Shipping/Receiving within the Registrar's Department to be trained in all aspects of art handling by Pete McIntyre. He is looking forward to his assignments in the Carpentry and Frame Shops. Louis hopes to continue his education soon by entering a graduate program upon completion of the apprenticeship.

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STAFF DISCOUNTS

Brands Mart, located on the Concourse of the Time and Life Building, 1271 Avenue of the Americas, is a distribution center offering very low prices on many brand-name items including tv's, radios, appliances, furniture, carpeting, audio components, and much more.

The Personnel Department has received enough Brands Mart Cards for every staff member. They will be distributed through inter-office mail.

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ENERGY CONSERVATION

Our utility expense (electricity and steam) totalled approximately \$700,000 in 1977/78. Due primarily to rate increases and despite our efforts to minimize demands and to make use of applicable new technology, we must budget an increase for 1978/79.

In order to hold our utility expense to a minimum, will you please:

- Turn off all unnecessary lights and other energy using devices which are not essential.
- Turn off all lights when you leave at the end of the day.
- Keep windows closed (and venetian blinds drawn with blades facing up and out) to minimize heat gain from summer sun.
- Notify Burt Golden's office of any areas where you believe saving is possible.

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YOUTH EMPLOYMENT TRAINING PROGRAM AT MOMA

The Museum would like to thank the three Youth Employment Training Volunteers who have worked so diligently throughout the summer.

The Youth Employment Training Program is funded by C.E.T.A. and is administered by The Board of Education of New York City. If you have any questions about the program, please contact Karen S. Fisher at extension 6136.

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NOTE

The main entrance to the Museum will be closed on Wednesdays from 9:30 AM to 6:00 PM. Please use entrance at 21 W. 53rd St.

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NEW EXHIBITIONS
Artists and Writers
Sachs Gallery
Selections from the
Penthouse, 6th
Mirrors and Windows
First Floor
July 28 - October
CONTINUING
Jim Dine's Etching
First Floor
Through September
Architecture of Gun
Goodwin Gallery
Through September
Marcel Duchamp: "Under
Sculpture Garden
Through September
GALLERY TALKS WITH
Thursdays at 6:00 PM
August 3 Two Pic
case of
August 10 be swit
August 17 The Mat
Jim Dine
August 24 of July
August 31 American
Almost
Afternoon gallery ta
aspects of the ex
Mirrors: Americ
on Fridays and
LOOKING AT
American Cinema: I
Beginning next month
will begin its fourt
entitled "American C.

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NEW EXHIBITIONS

Artists and Writers
 Sachs Galleries, 3rd Floor
 Selections from the Art Lending Service
 Penthouse, 6th Floor
 Mirrors and Windows: American Photo-
 graphy Since 1960
 First Floor
 July 28 - October 2

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CONTINUING EXHIBITIONS

Jim Dine's Etchings
 First Floor
 Through September 5
 Architecture of Gunnar Asplund
 Goodwin Galleries, 2nd Floor
 Through September 10
 Max Neuhaus: "Underground Music(s) II"
 Sculpture Garden
 Through September 5

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GALLERY TALKS WITH SILVIA MILGRAM

Thursdays at 6:00 PM

August 3 Two Picasso Sculptures (in
 case of rain, this talk will
 be switched with next week's)
 August 10 The Matter of Dubuffet
 August 17 Jim Dine's Etchings (repeat
 of July 6)
 August 24 Americana
 August 31 Almost Invisible

Afternoon gallery talks will be given
 on aspects of the exhibition Mirrors
 and Windows: American Photography Since
 1960 on Fridays and Saturdays at 1:00 PM.

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LOOKING AT FILM:

"American Cinema: Into the Seventies"

Beginning next month, Looking at Film
 will begin its fourth course of 1977-78
 entitled "American Cinema: Into the

Seventies," conducted by Robin Wood on Wed-
 nesday evenings at 6:00 PM and Saturdays
 at 8:00 PM from August 16 through September
 13, 1978. Staff members are welcome and
 a limited number of complimentary regis-
 tration cards will be set aside for their
 use. Further information is available at
 the Lobby Information Desk or by calling
 Timothy Meyer or Stephen Harvey at
 extension 4214.

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EXERCISE CLASSES

Exercise classes are being held every
 Wednesday in the Founders room from 12:30
 to 1:30 PM. Those interested are welcome
 to attend. The cost of each class is \$1.00.
 If there are any questions please contact
 Doris Ng at extension 7223.

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The following staff changes have occurred
 since May 1, 1978:

Dorothy McClean was appointed Data Entry
 Operator in Data Processing, Finance, on
 May 15, 1978. Also on May 15, Yone
 Akiyama was made Assistant Production
 Manager in Publications and Retail Op-
 erations. Ms. Akiyama was previously a
 Production Assistant in the same depart-
 ment. Patrick Cunningham was a Designer
 in the Graphics division of Publications
 and Retail Operations until May 15, when
 he was appointed Design Manager. Francis
 Kloeppel, also in Publications, became
 Senior Editor on the same day. Timothy
 McDonough, Publications, was promoted
 from Assistant Production Manager to
 Production Manager on May 15.

On May 16, Matthew Weisman was appointed
 Microfiche Assistant in the Film Depart-
 ment. Christopher Holme joined the staff
 as Managing Editor in Publications and
 Retail Operations.

On June 13, Robert Coates joined the
 Department of Architecture and Design as
 a Preparator. Clinton Storm became a

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Salesperson in the Bookstore, Publications and Retail Operations, on June 20. Joan Weiss was hired as a temporary Cashier in the Restaurant on June 23.

Pamela Stein, formerly a Senior Cataloguer in the Registrar Department, transferred to the Department of Painting and Sculpture, where she was made a Loan Assistant on June 26.

Effective July 1, Eloise Ricciardelli became Registrar. Ms. Ricciardelli had been Acting Registrar since October 1977.

Claudia Bismark became an Assistant in Rights and Reproductions, Publications and Retail Operations on June 30. Ms. Bismark was Clerk/Typist in the same department prior to that. Also on June 30, Rhonda Baer was made the Assistant to the Supervisor in Rights and Reproductions, where she was previously an Assistant.

Bill Burback became Director of Education on July 1. Before becoming Director, Mr. Burback was Special Assistant to the Director for Education. Myrna Martin was appointed Assistant Director of Education on the same day. Ms. Martin was an Administrative Assistant in the same department.

On July 1, Elizabeth Streibert became Assistant Director of the International Program, where she had been previously serving as Consultant.

On July 5, Tara Reddi joined the Department of Prints and Illustrated Books as an Intern. Elizabeth Jarvis was hired to work in the Registrar Department as a Cataloguer on July 11. On July 7, Douglas Riley was made Supervisor in the Bookstore, where he was formerly a Salesperson.

William Hickey was appointed Programmer in Data Processing, Finance on July 24. On the same day, Constance Gibbons began work in the Registrar Department as a Cataloguer. Also on July 24, Andrew Marrum became an Assistant in Public Information. Susan Kismaric was promoted to Assistant Curator,

the Photography Department on July 1, 1978. Susan Kismaric was previously the Supervisor in the Research Center, Photography Department.

TELEPHONE DIRECTORY

Additions

Coates, Robert	A & D	2686
Jarvis, Elizabeth	REG	7224
Reddi, Tara	Prints	2667
Stevens, Richard	DEV	7271
Storm Clinton N.	BKST	7544
Weiss, Joan	GDN REST	7515

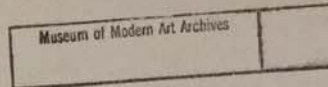
Changes

Bandy, Mary Lea	FILM	7202
Evens, Sue	MIES	6139
Frost, Marie	EXH	7230
Holme, Christopher	PBNS	7206 (7)
Maraia, M.	PENT REST	7514
Mincks, John	REG	2652
Stein, Pamela	P & S	2690
Tuchman, Ellen	A/LEND	6114

Deletions

Bowen, Jerry
Buffam, David
Cloitre, Alice
Esposito, Joseph
Grant, William
Hunt, Alison
Kantz, Charlotte
Lee, Roger
Lerrin, Kitty
Lifflander, Barbara
Longwell, Dennis
Mazik, Richard
McCullough, Carrie
Mechling, Sharon
Messer, Helaine
Middeleer, Michael
Perry, Edward
Rohrs, Kirsten
Rosen, Patricia
Snyder, Joyce
Spiller, Ruth
Statler, Noreen
Fischer, Lucy

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The Museum of Modern Art

To Friends of the Museum

From Richard E. Oldenburg

Date 6 October 1978

Re Status of Contract Negotiations with PASTA

For some months The Museum of Modern Art has been engaged in contract negotiations with the Professional and Administrative Staff Association of The Museum of Modern Art (Local 1, Museum Division, Distributive Workers of America). Most recently, bargaining sessions have been held under the auspices of a mediator from the New York State Board of Mediation. Regrettably, on September 14 negotiations reached an impasse and were broken off, with the parties subject to recall by the mediator.

The impasse between the Museum and the Union resulted from the Museum's unwillingness to accede to PASTA's demand that the new contract contain a clause requiring every member of the bargaining unit either to join PASTA or pay dues to it -- a demand which would radically change the "open shop" status of the PASTA bargaining unit which has prevailed for more than seven years. The adoption of such a clause would mean that more than 90 members of the bargaining unit, who have thus far chosen neither to join the Union nor to pay dues to it, would be required either to do so or to lose their jobs.

From the very outset of its relationship with PASTA the Museum has maintained its position that an open shop is essential in a professional milieu. Although this was not an issue in the negotiation of the first two contracts between the Museum and PASTA, it has now been declared by the Union's bargaining committee to be an absolute necessity. The Museum cannot acquiesce.

With respect to economic issues:

Early in the current negotiations the Museum made an opening offer of a 5% increase in salaries, across the board, in each year of a new three-year contract. The Museum has repeatedly characterized this first offer as negotiable, and fully expects to increase it when negotiations can be resumed in a more favorable climate. Similarly negotiable is the matter of minimum salaries for the handful of entry-level positions which are currently paid less than \$7,000 a year.

We earnestly hope that PASTA will re-evaluate its position regarding the continuance of our traditional open shop so that negotiations over other issues can resume.

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Museum of Modern Art Archives

The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

To: Mr. Oldenburg, Mr. Koch, Ms. Curry, Ms. Shaw ✓

From: Charles Silver and the Program Committee

Date: October 15, 1976

We understand that some thought is being given to combining the responsibilities of the Museum's switchboard operator and the 4th-floor (21 building) receptionist. PASTA cannot argue strongly enough against this action.

Any staff member who has had either to transfer a phone call or to place a long distance one will testify to the wait that frequently occurs before the operator, presently busy with incoming information requests, can attend to staff needs. To encourage a longer delay by having the operator attend to the many messengers and visitors who appear at the 4th-floor elevator door is to invite a complete breakdown of two vital operating procedures.

A receptionist facing the 4th-floor '21' elevator is a necessity. The 4th floor bears the majority of visitors to MOMA's offices. The receptionist not only welcomes and directs visitors to the Projection Room and Library (the two facilities most used on the floor), but greets the guests of the four curatorial departments on the floor (Drawings, Film, Photography, Prints & Illustrated Books), as well as those of Conservation. Moreover, the 4th-floor receptionist is responsible for the entire '23' building, and the number of visitors in transit to and from Graphics, Publications, Film Stills Archives, and Audio-Visual Archives is considerable. Although a better system of signs would help visitors to find their way, the plan of the 4th-floor and the passage into the '23' building is confusing, so considerable time is spent in answering visitors' questions. To load these questions onto an already occupied operator is folly.

Finally, and perhaps most importantly, the question of security must be considered. The receptionist is responsible for the distribution of packages to messengers in addition to her other responsibilities such as receiving photographers' portfolios. The traffic is especially heavy going to and from the '23' building. The present system of having all messengers bring packages only as far as the receptionist's desk was established as a security measure when Bookstore 2 opened in the '23' building. If the receptionist is answering the telephone at the time of the messenger's arrival, the chances of his wandering through the halls--and the risks--are increased.

It seems to us that the risks are unnecessary. The two jobs should remain separate. We feel therefore that the receptionist should be maintained.

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

Museum of Modern Art Archives

September 29, 1975

Dear Mr. Oldenburg,

Attached is the Demand Letter from the Professional and Administrative Staff Association, which presents the Association's proposed modifications to the contract between the Association and the Museum.

Mary Lea Bandy
Mary Lea Bandy

Charles Silver
Charles Silver
Co-Chairmen

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The Professional and Administrative Staff Association
of The Museum of Modern Art

Demand Letter

September 28, 1975

1. DURATION

One-year contract, to expire December 1, 1976.

2. COVERAGE OF CONTRACT

(a) Contract to include the following additional classifications: Curator, Associate Registrar, Associate Librarian, Graphics Coordinator, Associate Conservator, Assistant Director - International Program, Administrator of the International Council, Chief Accountant, Senior Accountant, Accounts Payable Supervisor, Assistant Manager - Lobby Admissions.

(b) The Employer shall notify the Association in writing of any changes in the content of existing positions or of the creation of new positions, which may be reasonably deemed to affect their inclusion in or exclusion from the bargaining unit.

3. SALARY AND HOURS

(a) The minimum annual salary shall be \$7200 upon hire, effective December 2, 1975. Part-time employees shall be paid proportionately.

(b) Staff other than waitresses, employed as of December 1, 1975, shall receive a substantial across-the-board increase.

(c) The hourly rate for waitresses shall be increased by 10c.

(d) Non-exempt employees shall be eligible for overtime after 35 hours. Dinner allowance shall be increased to \$6.

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2.

3. SALARY AND HOURS (cont.)

- (e) Automatic cost-of-living wage adjustments:
Commencing as of the pay period nearest December 2, 1975, and every six months thereafter, the salaries of all employees in the bargaining unit shall be adjusted by an amount equal to the variation in the Consumer Price Index multiplied by the average weekly wage.
- (f) Minimum annual salary rates shall be established for all titles in the bargaining unit.

4. HEALTH BENEFITS

- (a) Dental coverage; eye examination and, if prescribed, glasses; annual physical check-up by employee's personal physician; reimbursement for non-prescription medicine ordered by physician; psychiatric coverage to be extended to 80% of unlimited visits.
- (b) Eliminate deductible. |
- (c) Employees shall, at their own expense, be permitted to purchase additional life insurance.

5. EDUCATIONAL BENEFITS

- (a) Increase Education Fund to \$15,000.
- (b) 100% reimbursement for all eligible employees.
- (c) Relevant courses may be taken during working hours if offered only during that time.
- (d) Gallery days: 1/2 free day per week for gallery visits, etc., to be extended to the following members of the Staff: Study Center Supervisors, Editors, Researchers, Conservators, Interns, Graphic Designers, Registrar Cataloguers and Senior Cataloguers, Program Assistants and Senior Program Assistants, Administrative Assistant - Education, Assistants - Public Information, Assistants - Exhibitions, Library Cataloguers and Reference Librarians.

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3.

6. LEAVES AND VACATION

- (a) Personal Leave Days shall be increased from 3 to 5 days per year, without restriction. Article IV, Subdivision B shall be amended to read, "Five personal leave days per year shall be available."
- (b) Sick leave shall be increased to 24 days per annum, accruable to termination of employment. Unused sick leave to be reimbursed upon termination of employment.
- (c) Vacation: Accrued vacation may be carried over through June of the following year. Article IV, Subdivision E shall be amended to read, "It is expected that all accrued vacation will be taken by the end of June following the fiscal year in which such vacation was earned."

Vacation may be taken as accrued.

7. CONSULTATION WITH STAFF

- (a) PASTA representation on the Board of Trustees; on the Trustee Committees of Executive, Personnel, House, Development, Membership, Finance, Education, and Publications; on the Planning Committee; and on the editorial board of MOMA, the quarterly newsletter.
- (b) The Director of the Museum shall meet bi-monthly with all curatorial staff, without the directors of the curatorial departments.
- (c) The Director of the Museum shall meet twice a year with each department.
- (d) Staff Association participation in search activities and consultation with regard to the selection of any new department director shall be extended to the Program Departments. Article VI, Subdivision C shall be amended to read, "All of those employed in each of the Curatorial and Program Departments will elect one or two representatives . . ." etc.

8. PROMOTIONS

Promotion reviews: Eliminate Subdivision B of Article VII concerning the right to terminate a curatorial assistant not recommended for promotion.

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4.

9. DISCHARGE

Article X shall be amended to read, "Disciplinary discharge or lesser discipline for Staff members who have completed their probationary period shall be only for just cause."

10. CHECK-OFF AND UNION SHOP

- (a) Union Shop: All employees in the bargaining unit shall be required to apply for membership in the Association upon the expiration of 30 days from the date of their employment, as a condition of their employment with the Employer.
- (b) The above paragraph concerning the Union Shop shall be added to Article XIV.
- (c) As soon as possible after the end of each month the Employer shall furnish to the Association a printout of the then current payroll of the bargaining unit.

11. JOB SECURITY

- (a) Layoffs: Layoffs shall be implemented on the basis of reverse seniority. Article XIII, Subdivision A shall be amended to read accordingly.
- (b) Severance pay: Severance pay shall be increased to two weeks for each year of service.
- (c) In case of a layoff, an employee who desires to take school courses to train for other employment and who successfully completes such coursework within one year of termination shall be reimbursed by the Employer for his or her course tuition, which shall not exceed \$500.
- (d) Benefits: All employees in the bargaining unit shall be entitled to full benefits upon completion of their probationary period. Benefits shall be computed as of the date of an employee's initial hire.
- (e) Temporary positions shall be limited to 3 continuous months; upon completion of such period, a temporary employee shall be automatically classified as a permanent employee, and the preceding 3 months shall be considered that employee's probationary period.

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5.

12. PENSION PLAN

- (a) Eliminate the provision deducting Social Security from the employee's pension.
- (b) Increase benefits by 50%. Discuss vesting.

13. ROYALTIES

All authors in the bargaining unit shall receive full royalties on copies of books distributed to members.

14. EQUAL RIGHTS

Both parties undertake to try to eliminate all discrimination in hiring, employment, Association membership, wages, or other status or terms or condition of employment or opportunity for employment that is based upon sex, sexual orientation, age, race, creed, color, religion, political affiliation or belief, or marital, parental, or military status.

15. MISCELLANEOUS BENEFITS

- (a) The Association shall have the right to hold monthly meetings at noon.
- (b) The Staff Lounge shall remain open throughout the day from 9 to 6.
- (c) The discount in the Garden and Penthouse Restaurants shall be increased from 20 to 50% on charges of 50c or more. The discount shall be extended to not more than two guests of employee.
- (d) All employees in the bargaining unit shall be entitled to time off of one hour per month to tour Museum galleries.
- (e) All employees in the bargaining unit shall be allowed free admission to all Museum-sponsored lectures.
- (f) Each employee in the bargaining unit shall receive one complimentary copy of every Museum publication.
- (g) Retirements shall be announced in the Staff News, at the discretion of the retiree.

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Museum of Modern Art Archives

The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

June 19, 1975

Memo to The Trustees, Richard E. Oldenburg, and Richard H. Koch
from the Staff Association
re: government support of the arts

We have recently been informed of an important bill to provide increased support of the arts, and we bring it to your attention. A bill now before the House, sponsored by Congressman Frederick Richmond, would enable the taxpayer to contribute to support of the arts through his Federal income-tax payment (see attached). The taxpayer would stipulate that either a portion of an overpayment or an additional sum enclosed with the payment be given to the NEA and/or the NEH.

Passage of this bill will result in millions of dollars in individual contributions for maintenance and operation of cultural facilities. Americans and the Arts, a recent survey conducted by the National Research Center of the Arts and the Associated Councils of the Arts, measured public willingness to pay additional taxes if "the money were used to maintain and operate cultural facilities such as theatre, music, and art exhibitions."

The survey concluded that "64 percent of the (adult) public--93.1 million Americans--would be willing to pay an additional \$5 a year. Even among those with incomes under \$5,000, a full 50 percent say they would accept a tax rise of \$5 if they knew that the additional revenues would be directed to support of the arts and cultural facilities." "47 percent would . . . pay . . . \$25 a year in taxes," "36 percent would pay an additional \$50."

The Staff Association plans to express our support of this bill at a press conference next week, and to campaign vigorously for passage of the bill. We urge your active support, and we offer our cooperation in any campaign for support of the arts.

We also propose that a delegation of representatives of the Administration and all of the unions in the Museum meet with representatives of the Department of Health, Education, and Welfare. The delegation would seek support for the Museum on the grounds that the Museum provides educational services, on national as well as local bases. We would like to discuss this proposal as soon as possible.

Thank you.

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94th Congress
1st Session

Mr. Richmond

A B I L L

To provide an opportunity to individuals to make financial contributions, in connection with the payment of their Federal income tax, for the advancement of the Arts and the Humanities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That (a) with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1 of the Internal Revenue Code of 1954, such taxpayer may elect to have--

(1) any portion of any overpayment of such tax for such taxable year, or

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(2) any contribution in money which the taxpayer forwards with the return for such taxable year,
be available, as the taxpayer may designate on such return,
for--

(A) the National Endowment for the Arts, for purposes of carrying out section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c));

(B) the National Endowment for the Humanities, for purposes of carrying out section 7(c) of such Act (20 U.S.C. 956(c));

or

(C) both such endowments equally, for purposes of carrying out sections 5(c) and 7(c) of such Act.

(b) The Secretary of the Treasury or his delegate shall provide that the tax return forms for the tax imposed by chapter 1 of the Internal Revenue Code of 1954 will fully inform each taxpayer of the opportunity the taxpayer has of making a contribution as described in subsection (a) and the purposes for which such contributions will be used. Space shall be made available on the first page of such returns for the designations referred to in subsection (a).

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(c) Overpayments and contributions designated under subsection (a) shall be transferred at least quarterly to the National Endowment for the Arts and the National Endowment for the Humanities, in the amounts designated to each, and amounts so transferred shall be treated as donations received under section 10(a)(2) of such Act (20 U.S.C. 959(a)(2)).

(d) For purposes of the Internal Revenue Code of 1954, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the date prescribed for filing of the return of such tax (disregarding any extension) or, if later, the date the return is filed.

Sec. 2. The provisions of the first section of this Act shall take effect with respect to taxable years beginning after December 31, 1974.

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

Museum of Modern Art Archives

June 11, 1975

Statement from the Staff Association to the Board of Trustees,
concerning the proposal to close the Museum to the public on Tuesdays

The Staff Association has been informed by the Director that the Museum Administration is pursuing a proposal to close the Museum to the public on Tuesdays, beginning in October. It is our understanding that the galleries, film auditorium, garden, and restaurants would be closed, but that the study centers and library would remain open to scholars by appointment.

The Museum of Modern Art has traditionally offered its programs to the public on a seven-day-a-week schedule. In 1931, at the height of the Depression, the Museum was open every day of the week and weeknights from 8 to 10. We are now going through another, no less serious crisis in our national life. To reduce this vital service now, at a time when inflation and a near 10% unemployment rate have increased rather than lessened the dependence of people upon the community's cultural resources, is to be deplored. We emphatically do so, fully aware that in times of mounting costs the projected savings generated by a one-day cut-back, no matter how small, would seem desirable.

In addition to emphasizing the inestimable service that the Museum provides the public, the Staff Association wishes to point

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out several factors, which indeed have already been taken into account, but which may cause the projected savings of \$75,000 to be in reality a much smaller figure. First, a sizable reduction in income will result from closing the galleries, restaurants, and Bookstore I; there is no way of knowing how many visitors would return on another day. Second, once the public has come to acknowledge the closing of the Museum on Tuesdays, it follows that yet another source of income, Bookstore II, will be affected. Finally, closing the Museum even one day a week risks alienating our membership, which has been steadily declining because of increased rates and a reduced exhibition program. By depriving the individual member of the equivalent of almost 15% of the value of his membership, the Museum will face the certain reality that its public membership will continue to decrease.

This proposal, which affects staff members at all levels, must be worked out with all parties concerned. The Staff Association urges that further consideration be given to the possible effects of the closing as well as the alleged benefits.

FOR STUDY PURPOSES ONLY. NOT FOR REPRODUCTION.

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Pasta
N.Y. MOMA

The Museum of Modern Art

To All Department Heads
From Alicia Legg, Chairman, Education Review Board



Date June 25, 1974

Re

For your and your department's information, I am attaching a new application form for educational benefits which is based on the amendment to the PASTA contract of 1973. The application is on the reverse side of the sheet.

Salary under \$9,000 -- 100%
Salary over \$9,000 -- 75%

If the Museum requires the completion of a particular course, the Museum will pay 100% of the costs.

Employees who have received a tuition grant for a course and who wish to continue with advanced classes, or to take a different course, must submit with the new application proof of satisfactory completion of the previous course. In appropriate cases of financial need (only for employees who have completed previous courses satisfactorily), the Museum will, upon sufficient advance notice, provide a check payable to the educational institution prior to registration.

Please complete the form on the reverse and submit it and the Bursar's receipt, with three copies of each, to the Chairman, Educational Review Board. The Board meets three times a year -- September, January, and May. Applications will not be acted on between meetings, but will be considered for courses taken in the period before as well as after the meeting dates.

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart



EDUCATIONAL BENEFITS - TUITION AID

Permanent full-time and permanent part-time employees who wish to continue their studies are invited to apply for tuition aid. To be eligible to participate in the program, employees must have been employed for one full year.

The Education Review Board administers the program and allocates funds among applicants. First consideration is given to courses which are directly related to an employee's current job, but courses that may increase his or her usefulness to the Museum's program are also given consideration, for example: history of art, foreign languages, and specialized seminars. Ordinarily, studio art classes will be approved only if usefulness to the applicant's job can be demonstrated.

Courses must be taken during non-working time and will be supported by the Museum according to the following scale:

Salary under \$9,000 -- 100%
Salary over \$9,000 -- 75%

If the Museum requires the completion of a particular course, the Museum will pay 100% of the costs.

Employees who have received a tuition grant for a course and who wish to continue with advanced classes, or to take a different course, must submit with the new application proof of satisfactory completion of the previous course. In appropriate cases of financial need (only for employees who have completed previous courses satisfactorily), the Museum will, upon sufficient advance notice, provide a check payable to the educational institution prior to registration.

Please complete the form on the reverse and submit it and the Bursar's receipt, with three copies of each, to the Chairman, Educational Review Board. The Board meets three times a year -- September, January, and May. Applications will not be acted on between meetings, but will be considered for courses taken in the period before as well as after the meeting dates.

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APPLICATION FOR TUITION AID

Name _____ Date _____

Position _____ Department _____

Date of Employment _____ Job status - Full-time () Part-time ()

Scale: Salary under \$9,000 _____ over \$9,000 _____ Course required by Museum - Yes ()
No ()

Course selected _____

Date course begins _____

Institution _____

Cost: Tuition _____ Registration _____

Explanation (state only if relevancy of the course is not obvious from its title):

List previous tuition aid granted by the Museum

Date	School	Course
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Applicant

The Education Review Board approves _____ does not approve _____ this application.

Chairman

Date

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Art News — Jan. 1974

Behind the MOMA strike: activism, 'schizophrenic' unionism, the scramble for funds

BY A.H. RASKIN

By the conventional measuring rods of labor-management warfare, the recent seven-week strike of professional and administrative employees at the Museum of Modern Art was a defeat for the union. Yet it may well be recorded in cultural history as the first serious reaching out by the junior staff of an art museum for a more assertive role in curatorial policy and in defining relations between the institution and the community.

For reasons that have much more to do with the ferment in society and with the shifting base of financial support for all the arts than they do with the asserted villany of museum management, an expanded movement toward collective expression by young professionals in the museums is as inevitable as was student pressure for a larger voice in campus governance in the mid-1960s. It is the same kind of pressure currently being exerted by new militant elements in the blue-collar work force for direct involvement in efforts to make jobs less dull and frustrating.

What remains uncertain in the wake of the MOMA strike is not whether professional organizations in museums will become more widespread—for it seems to be a definite trend—but whether its results will prove less evanescent than were those of the college revolt. The new instrumentalities established at many universities to give undergraduates access to the policy-making process flickered out in a year or two because the students lacked both creative ideas and sustained interest.

Equal uncertainty surrounds other crucial aspects of the trend toward unionization, especially the all-important question of whether it develops along distinctively new lines or proceeds on the industrial model—the

form it has taken at MOMA—with art professionals a minority in a larger unit of clerks, secretaries, waitresses and other museum employees.

That model leads to affiliation with the outside labor movement and sharpens the difficulties inherent in trying to prevent curatorial and other professional concerns from being submerged by the normal union ambitions of pushing up wages and safeguarding job security. It also heightens the need to consider the appropriateness of strikes in the museum setting and to explore the practicality of special third-party mechanisms to settle controversies without exercise of coercive power by either side.

How these structural uncertainties are resolved—not only in form but in regard to their potential for benefit or harm—will depend at least as much on the attitude of museum trustees and directors as on the approach of their staffs. It is no trick to establish an adversary relationship between management and unions, whatever the nature of the enterprise; both sides in the museums will need to display a lot of ingenuity in order to substitute cooperation for conflict as they cope with the burgeoning discontent among junior professionals (and a good many senior ones as well).

The residue of bitterness left by the MOMA strike among both unionists and directorate, coupled with the apprehension the MOMA experience has stirred among the heads of other museums, dims the prospect of such a cooperative approach, but does not erase its desirability, or perhaps its essentiality. The strike and its antecedents represent a good jumping-off point for any assessment of the complex factors that will shape the future of unionism in museums generally.

When the Museum of Modern Art was founded 45 years ago, it constituted an adventurous experiment in taste-making, a highly successful endeavor by

a small group of sponsors who combined imagination with wealth, civic power and social prominence to build popular acceptance of new modes of artistic expression, much of it then regarded as worthless, outrageous or just plain disgusting. Over the years the museum has achieved critical acclaim, scholarly distinction, mass attendance, size and chic, but it rarely excites comment these days for either unpredictability or daring in its exhibitions or acquisitions.

The boldness of MOMA's early activities did not stand in the way of development of a seigniorial relationship between its staff and the trustees, especially since so much of the financial support came from a few families, notably the Rockefellers, the Whitneys, the Blisses, the Paleys, the Warburgs and the Lewisohns. Until the retirement of René d'Harnoncourt in 1968 after nearly two decades as director, the stability of administrative leadership and the relative smallness of the staff had contributed further to an internal atmosphere more regal than revolutionary. Cliques, not caucuses, were the rule. Staff members might not get much pay, but they did get an annual invitation to visit the Rockefeller estate at Pocantico Hills.

In the last few years much of that "in" feeling has vanished for the junior staff. After d'Harnoncourt, directors there revolved in and out of office so fast that even today many on the staff take with some skepticism the emphatic assurances of the trustees that Richard E. Oldenburg, who has now held the top spot for two full years, is really there to stay. The uneasiness created by the ejector seat in the director's office was reinforced four years ago by disclosure that the museum had a projected deficit of \$1.8 million and an accompanying order by the trustees for heavy staff cuts as an economy measure.

With salaries low and jobs in jeopardy, a group of younger employees took the initiative in forming the Professional and Administrative Staff Association of the Museum of Modern Art in the fall of 1970. Its acronym, PASTA/MOMA, sounded like a menu entry in a pizzeria, and its initial approach to collective bargaining was decidedly unorthodox by normal union standards. In an effort to evolve a nonadversary format for negotiations, the group set up study panels to draw up working papers on salaries and benefits for the various classifications of professional and administrative workers in the

A. H. Raskin is assistant editor of the editorial page of the New York Times.

ARTnews

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Members of the Professional and Administrative Staff Association picketing the Museum of Modern Art in October 1973. Photo: Leonardo Le Grand.

museum. The aim was to avoid any formal union structure, but the initiators of the study plan were so let down by the response of Oldenburg's immediate predecessor, John Hightower, that they decided to go the union route by applying to the National Labor Relations Board for certification as an independent staff association.

However, when the museum insisted that many of the titles the association wanted in the bargaining unit should be kept out on the ground that they were supervisory, PASTA decided to shop around for outside help instead of getting mired down in lengthy litigation before the N.L.R.B. After canvassing the House of Labor for a home, it signed up with the Distributive Workers of America, a militant independent, which created a Museum division and chartered PASTA as Local 1.

The MOMA workers found the distributive union attractive not only because it guaranteed them a large measure of autonomy but also because its political positions are generally anti-Establishment; it stands well to the left of George Meany and the A.F.L.-C.I.O. hierarchy, and the great bulk of its members are blacks and Puerto Ricans employed in warehouses and factories. "The PASTA members, mostly white,

mostly women and mostly holders of college degrees, have a great need to feel proletarian in their affiliations and commitments," says one matchmaker involved in the marriage with the distributive union. "They shrivel up inside when you call them elitists."

The first fruit of the alliance was quick agreement by MOMA to an election, which PASTA won; this entitled it to represent almost all clerical and professional employees up to the level of associate and assistant curators. In August, 1971, came the fledgling group's first strike, a two-week walkout in a vain attempt to cancel the scheduled layoffs. However, the staff did get a 7½ per cent pay increase and a boost in the minimum hiring rate from \$4,770 a year to \$5,750. More important in PASTA's scheme of things was inclusion in the contract of clauses entitling it to representation on search committees for new department heads or a museum director, and giving it a somewhat qualified right to inform the board of trustees or its committees how the union feels about policies under consideration. PASTA hailed the settlement as a "tremendous breakthrough" in museum labor relations and Hightower, unaware of his own imminent forced departure, predicted that

many of its provisions might well become "benchmarks for the entire museum profession."

Before PASTA got to the negotiating table for its 1973 contract talks, the museum had established a wage pattern with the four old-line unions representing its guards, movie projectionists, kitchen workers and mechanical crafts. PASTA was not content with that pattern, but once again issues of voice and power in shaping museum policy ranked much higher than money on its priority list. It sought the right to representation on the MOMA board and on the key trustee committees, as well as on the top-level internal planning committee made up of Oldenburg and the department heads. The union's other key demand called for expansion of the bargaining unit so that it could negotiate for full curators and departmental seconds-in-command, a group that management considered essential to effective supervision.

Seven weeks of mounting acrimony on the picket line brought no gain on either of these non-monetary issues. A warehouse manager who no longer had any staff to manage was added to the bargaining unit, but all the other disputed titles were kept out, and the union got nowhere on direct board

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representation. However, the procedural restrictions that had limited its right to appear before the board were eliminated, and it got assurance of "reasonable advance notice" of items scheduled for discussion by the trustees or their committees.

Ironically, in the light of its own value scale, most of what the union did gain took the form of a bigger money package—an improvement purchased at the cost of roughly \$150,000 in lost wages by the 100 strikers. The minimum hiring rate, on which PASTA has focused its primary economic emphasis, rose to \$6,000 a year, an increase of only \$250. That left it \$1,500 below the pay floor for welders of mops and emptiers of bed pans in New York's hospitals. Most of the minimums for specific job titles stayed where they were (the top is \$16,000 for associate curators), but everybody in the unit got an immediate pay raise of 11 percent, with half of it retroactive to last July 1.

As for the museum, it has not yet completed calculation of the strike's impact on its anticipated deficit of \$1.1 million. Its payroll savings were \$20,000 a week while the PASTA members were on the street and it never had any trouble keeping its doors open, partly because 60 of the union's own members did not join the walkout and even more because all the other unionized employees, except MOMA's three projectionists, crossed the picket lines. Paid attendance dropped by 15 percent, but a few of those who did come were so incensed at the strike that they made contributions to the museum at the same time that they bought their tickets. On the red side of the balance sheet, there is the possibility that the museum will have to reopen the contracts with its other unions and pass along to their 190 members wage increases in line with the PASTA settlement.

The MOMA trustees and directorate emerged from the conflict more convinced than before that the union had painted a malicious caricature of the museum's true state with its charges of a staff excluded from effective participation in policy formulation and of a domineering board made up of aging plutocrats insensitive to the exigencies of social and artistic change.

"This has never been a situation of evil fat cats arrayed against a socially concerned staff," says Oldenburg. "Our trustees are less dictatorial than those at any other institution, and I have always

tried to make myself accessible to the staff and its ideas almost to the point of madness. Our programs are the expression of judgments and priorities determined by departmental staff committees that involve not only all our professionals but many of the clerical staff. Almost never is there any veto or other interference in curatorial matters by the trustees. The place where confusion arises is when you try to mix unionism and formulation of professional policy; a foreign element is introduced by turning curatorial decisions into pressure points to be determined by power."

Mrs. John D. Rockefeller III, MOMA's president, ascribes the walkout to "ambition to cut more ice" by a small group of union leaders drawn from the middle levels of the staff. On the basis of her own experience on other boards in cultural and social work organizations, Mrs. Rockefeller says she cannot imagine a board more meticulous than the one at MOMA in relying on the expertise of the institution's staff and endorsing its policy recommendations. Her complaint is that many in the staff fail to utilize the opportunities for access already built into every element of the MOMA structure. Even the right to speak at board meetings has been invoked by the union only twice in the two-and-one-half years since it was written into the initial contract, and both times it was to compliment the museum rather than censure it.

Independent inspection of the confidential minutes of trustee committee meetings tends to support the observation of one senior staff member that the board defers so totally to staff proposals on acquisitions, exhibitions and publication programs that it is more rubber stamp than policy definer. Such inspection also gives point to the comment of another ranking staff member that anyone sitting through top-level policy sessions in quest of illumination on the yardsticks governing policy decisions would "run away in despair at the level of banality that exists in these meetings."

But the future of unions in any field is not necessarily determined by the accuracy of their perceptions, much less by their early win-loss rating as chalked up by management or other outside scorers. The PASTA leaders feel they have lost a skirmish but they see no reason for doubt that their movement will ultimately prevail, not merely at MOMA but in the rest of the museum

field. When I sat down with three youthful captains of the negotiating committee just after the return to work, I was impressed by the parallels to similar sessions I had had nine years ago with Mario Savio and other members of the unstructured presidium of the Free Speech Movement at Berkeley, just after the student rebels had sounded their initial call for emancipation from the dehumanizing pressures of the multiversity.

I heard again the same encyclopedic indictments of the unresponsiveness of the "power structure" and the sterility of the programs it fostered. And again I found myself enveloped in unfathomable vagueness when it came to the specifics of just what the insurgents wanted to change and why it would be better. The three expositors of PASTA gripes and aspirations were Joan Rabenau, an administrative assistant in education, who heads the union; Susan Bertram, a program assistant for international programs, and chairwoman of the negotiating team; and Laurence Kardish, assistant curator for film, a member of the team.

Recurrent in their remarks was the notion that MOMA was in the hands of a small, self-perpetuating group of trustees not nearly as qualified to respond to crucial social needs as were the union rank and file. "The average age of the board is 60," said Miss Bertram. "And they're not a young 60," interjected Kardish. Recalling that Philip Johnson, himself a trustee, had once listed criteria for board appointment as "money, money, money," Miss Bertram added: "They can't find bright young people with funds who are interested in being on the board these days."

After a good deal of amorphous talk about what new approaches PASTA might suggest, the group agreed that the union didn't feel it had the answers but that it wanted to contribute to finding the answers, an undertaking in which it needed basic information it did not now have. "What valid objection is there to letting us get to know the facts of life by having one member out of 40 on the board?" asked Miss Bertram. "The best way to get rid of a radical is to co-opt him. Progressive American business is becoming more interested in having its employees informed and involved in the decision-making process. The museum rejects that concept, even though its board is made up primarily of corporate executives and financiers." The talk of the union leaders is long on proposals for

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cutting or eliminating museum admission charges, to make MOMA less a nesting ground for "the usual pretentious suburbanites," and for broadening its scope to embrace New York's black and Puerto Rican communities. Their talk is short on where to find the money to meet the already worrisome deficit.

One senior staff member who believed sufficiently in PASTA's cause to march on the picket line for the duration of the strike—Betsy Jones, curator of the painting and sculpture collection—is certain that a staff union is needed in museums these days as a countervailing force against the pressure impelling their directors and trustees to make decisions based exclusively on financial considerations. She derides fears that putting a union representative on the museum board would jeopardize the integrity of the decision-making process on esthetic matters. On the contrary, she feels that some of the difficulties at the Metropolitan Museum of Art over acquisitions and deaccessions might never have occurred if staff members had felt free to protest without worrying about putting their necks on the block.

A rather different view was taken by the only other full curator to quit work during the strike—Emilio Ambasz, curator of design—who stayed out for the first ten days not because he sympathized with the strike but because he objected to the museum's refusal to assure curators the same level of security against dismissal without cause that the contract gave to people under the union's jurisdiction.

Ambasz believes that art professionals should have a union all their own, that lumping them with waitresses, mailroom employees and bookstore clerks is a disservice both to the professionals and to the miscellaneous employees. Thanks to misguided adoption by both PASTA and MOMA of mental sets borrowed from industrial practice, the battle at the museum—as Ambasz appraises it—settled into a fight between the junior meritocracy and the senior meritocracy within the staff over their respective power. "PASTA operates with no body of ideas or alternatives and with a leadership drawn primarily from outside the curatorial staff," Ambasz feels. "With one turn of the sun it is labor; with another turn of the sun it is professionals and with still another turn of the sun it is ideologues. Given their lack of any coherent system of ideas, I cannot believe that divine

revelation would come to them once they were inside the board."

Despite all these reservations, Ambasz chose to make the opening of the PASTA strike the occasion for a one-man demonstration of his own on the sole issue of enhanced job security for curators and others in the group the union was trying to bring into its unit. PASTA built its own case for extended jurisdiction on the argument that it was not interested in a power grab but rather in enhancing the "academic freedom" of curators by protecting them against arbitrary firing if they displeased the museum high command. An interesting postscript to the strike is a unilateral study Oldenburg has begun to determine how to give curators some counterpart of the security all the subordinate staff has.

Whatever the pluses and minuses of the walkout in terms of its accomplishments for the MOMA workers, it has brought discernible stirrings toward unionization in other New York museums. A Museum Workers Association came into being to muster support from other institutions in both marches and money. Now the group is mobilizing on a permanent basis, though it is not yet clear whether it will attempt to serve as an organizational center in its own right or merely as a clearing house for exchange of ideas on how museum staffs can best protect their economic and professional interests.

The association's acting chairman—Mimi Pichi, a New York State Council on the Arts trainee serving as coordinator of exhibitions at the Museum of Contemporary Crafts—says the MOMA strike served as a catalyst for moves toward organization in a dozen museums of both arts and science. Who runs the museums and who makes the decisions is as much a matter of concern for the founders of these infant unions as is the shortage of funds that is putting jobs and pay scales in jeopardy, says Miss Pichi.

Apart from MOMA, the only New York museum with a well-established professional and clerical union is the American Museum of Natural History, where a unit of District Council 37 of the American Federation of State, County and Municipal Employees has represented about 150 employees below the grade of curator for almost a decade. The local's president, Frederica Leser, a principal preparator in the exhibition department, sees unioni-

zation spreading fast in other institutions. "It requires an enormous mental jump for many professionals to get away from the idea that only factory workers are in unions," she acknowledges. But that jump is being made easier by the fact that "there are no more J.P. Morgans to underwrite museums any more, and an enormous scramble is on for whatever funds there are."

District Council 37 is giving thought to requests by staff members at the Metropolitan Museum of Art for establishment of a local to represent them. Miss Leser says about 100 Met workers have already indicated a desire to enroll and Stanley Propper, chief organizer for the council's cultural division, confirms that the union is "looking with interest at the Met," where it already has a local representing attendant-guards.

If the council, which has a citywide membership of 125,000 civil-service workers, does decide to sign up professional and administrative employees at the Met, it will almost certainly touch off a tug-of-war much more acrimonious than the one that raged a year ago when an independent Staff Association came into being to fight for staff participation in budget and building decisions and to oppose projected layoffs. The regional office of the National Labor Relations Board issued a complaint accusing the museum of having ousted 16 employees for union activities and of having dominated four organizations set up to counter the Staff Association. However, a trial examiner closed the case last May by approving a settlement agreement under which only 3 of the 16 were to get their jobs back (none actually accepted the offer of reinstatement) and the four alleged company unions were allowed to remain in existence without any right to engage in collective bargaining.

Thomas Hoving, the Met's director, emphasizes his satisfaction with the "collegial" relations that have now been worked out with the Curatorial Forum and the Educational Assembly, two of the groups involved in the original charges. There is no bargaining with them over wages or working conditions, but they have "input into the decision-making process at every level," says Hoving. "Unionization of the professional staff is always a possibility in any institution, including this one," he adds, "but for the time being it would seem that the needs and concerns of these staff members are being met and dealt

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with effectively in other ways."

That is not the way District Council 37 will be telling it if it responds to the petitions for a staff local. "Our theme," says organizer Propper, "will be, you're being used. This is a company-union set-up. You're being used." Perhaps that is why the Met is already exploring whether it can bar the council from any attempt to unionize its staff on the ground that the Taft-Hartley Act gives an employer the right to refuse to have the same union represent its guards and its other employees.

Even if that strategy does shut out the council, there is likely to be continuing insistence from within the staff for some kind of union at the Met. Says Virginia Burton, an associate curator of Egyptian art: "There has been no real activist push in this museum in the last couple of years, but that does not signify any let-up in interest. There is a steady, undramatic movement toward a genuinely independent union. It is part of a general tendency in which all institutions these days are being called to account in ways they never were before. People don't make a great outcry; they are not turned on by rhetoric, but I am convinced that this movement is almost impossible to stop with the momentum it is achieving throughout the country."

At the strife-torn Brooklyn Museum a Staff Association had been devoting all of its efforts to combatting the vagaries of Duncan Cameron, the controversial director who recently resigned. The staff almost walked out over Cameron's dismissal of J. Stewart Johnson, the respected curator of decorative arts, after the theft from his department of eight silver candlesticks—a theft later traced to a Cameron crony with a master key. A court order for Johnson's reinstatement headed off the walkout, but the continuing upheavals inside the museum intensified the association's search for correctives.

If there are no signs yet of a tidal wave outside New York, there are two art museums that already have union contracts and others are in the process of organization. The Minneapolis Institute of Arts is in the second year of a contract covering 100 members of its professional and administrative staff. The Teamsters Union, bulkiest of labor organizations, took the group under its wing until the agreement was safely signed, but the staff association is now on its own as an unaffiliated union. Samuel Sachs, the Institute's director, expresses considerable happiness about

the relationship. The union confines itself to bread-and-butter issues, and the museum provides clear avenues for staff involvement in policy issues outside the rigidities of contract mandate.

At the San Francisco Museum of Art, where 20 staff members belong to the Office and Professional Employees International Union, the relationship has also gone smoothly. When the first contract was negotiated in July, 1972, the union asked for representation on the museum's board of trustees but the request was withdrawn as soon as the trustees said no. Michael McCone, the acting director, reports that the smallness of the staff removes any real problem about consultation or communication. Everything has been harmonious, even though both sides realize that the museum union in San Francisco has a leverage that its sister unions in other museums lack. "San Francisco is a union town," says McCone. "Any time our staff goes out on strike, it would shut down the whole building right away. The elevator operators and maintenance men would never cross the picket line."

PASTA's parent union, the Distributive Workers of America, is getting so many inquiries about organizing help from museum employees in various parts of the country that it wants one of the MOMA activists to give up her museum job and become a full-time member of the union's staff. So far it has had no takers, but David Livingston, the national president, has not given up. He is thinking in terms that go beyond bringing more members into his union to the larger challenge of expanding popular interest and support for all the arts.

"The ultimate salvation of artistic enterprises," Livingston says, "lies in the idea that they belong to the majority of the people and are supported by them through taxes, ticket charges or donations. We have to proceed toward building such support in an atmosphere free of hostility and contentiousness, even if it means developing new instruments for peaceful relations and for avoidance of the kind of conflict we had at the Modern Museum."

But something beyond pieties will be needed to smooth the passage. Just for starters, there are the strong overtones of Women's Liberation that pervade the organization drive. Three-quarters of the junior staff in museums are women; three-quarters or more of the directors and department heads are men.

PASTA's concern with eradicating stereotypes on who does what in male-female responsibilities is reflected in a novel "paternity leave" clause. It entitles male employees to up to six months child-care leave so they can stay home to take care of newborn children.

Another problem in need of resolution by groups that take their inspiration from PASTA is to arrive at a clear understanding on whether they want to function along the lines of a faculty senate concentrating on the problems of the arts or of a traditional union using muscle as its principal instrument of persuasion. PASTA's shuttling between professionalism and union-mindedness tended to bring qualities of schizophrenia into the MOMA negotiations in a manner that complicated the peace efforts. "Unionism is a very awkward mechanism against an artistic tradition that pulls in the opposite direction," says Solomon Kreitman, the state mediator who helped end the MOMA strike and a specialist in the ever-lengthening catalogue of labor disputes involving symphony orchestras, ballet dancers, Legal Aid Society lawyers and other professionals.

MOMA, for its part, did nothing to woo its staff away from reliance on coercive force—a commodity the union found it could not muster effectively—by its refusal to accept a union offer to return to work midway through the strike if the board would put all the unresolved issues before a fact-finding panel for nonbinding recommendation. True, the offer represented a confession of union hopelessness about winning its demands on the picket line. But the use of arbitration, fact-finding and other third-party techniques will have to be institutionalized if the spread of organization in the museum field is not to mean an increasing tendency on the part of professionals to hook up with the unionized blue-collar groups already entrenched in most museums to develop the kind of economic leverage PASTA lacked. Such a development could quickly make a shambles of stability and public service in the field.

Even if there were not a healthy trend in such familiar labor battlegrounds as steel, civil service and the merchant marine toward substituting third-party intervention for strikes, that civilized method of resolving differences would have special pertinence in museums and the performing arts for two reasons.

First, neither the workers nor the

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deficit-plagued institutions in these fields have any discernible aptitude for, let alone expertise in, the mystique of labor relations. The result is that both sides put themselves in the hands of special counsel and leave it up to them to guide the parties through the trackless jungle. In all the rash of strikes and near strikes that have disrupted the cultural scene in New York in the last few months, the same law firm—Prokauer, Rose, Goetz & Meldelsohn—has shaped policy for all the managements, and the same lawyer, I. Philip Sipser, has been mentor for all the unions. The unusual degree of authority accorded to outside attorneys makes it ridiculous to suggest that neutrals, preferably specialists endowed with an understanding of the arts, are inappropriate as assessors of the merits where deadlocks occur.

The second, and even more compelling, factor is that museums in common with all the arts will have to depend increasingly on funds from all levels of government, from foundations, from corporations and perhaps even from unions with their substantial treasuries and their need for finding new channels of service to their members. With Lady Bountiful no longer a sufficiently reliable resource, the readiness of the general citizenry to authorize large appropriations from tax funds will be determined in important measure by how successfully cultural institutions avoid the turmoil that accompanied unionization's early stages in industry and government. No one will be enthusiastic about paying higher taxes for museums that do not operate or that are ringed by jeering pickets. Nor will there be much appetite for subsidy if the public gets the notion that its money is being funneled into a "gimme" operation that swells payrolls and shortchanges both the quantity and quality of service to the community. Third-party determination of what is equitable would help reassure citizens and donors on that score.

It is delusive, however, to pretend that ingenuity in creating new instruments for averting strikes is sufficient by itself to make the unionization of museum professionals a constructive experience for them, for the institutions or for the lovers of art who look to museums for spiritual enrichment as well as esthetic delight and education. The ingredients for a beneficial relationship will have to come from the staffs and the executive suites. It will not be easy.

GARY
KUEHN

STEFAN OTTY
50 WEST 57 NYC 586 5252

WALTER DARBY BANNARD

KNOEDLER CONTEMPORARY ART
19 EAST 70 NEW YORK 10021
LAWRENCE RUBIN: DIRECTOR

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

Museum of Modern Art Archives

Statement to the Board of Trustees by the Professional and Administrative Staff Association of the Museum of Modern Art. December 12, 1973.

Although the strike by the Professional and Administrative Staff Association has ended, we feel it necessary to state for the record, our view of the facts and the issues of the strike and the settlement.

Bargaining began in advance of the lapse of our contract on June 30, and throughout several months of negotiations followed by mediation, the Association, in the expectation of good faith bargaining, continued to work without a contract. A strike is not undertaken lightly by any body of employees especially ones already oppressed by sub-standard salaries. Such an action is always a last resort, a final expression of accumulated grievances. It signals the absence of communication between parties and indicates that every other means has failed to ameliorate working conditions. Although the Administration professed to be, in Mr. Oldenburg's words, "seeking the compromise which both sides can accept," in reality it failed throughout this period to alter its position on major issues and on most of the minor ones, so that on October 9 the Association went out on strike.

As the picketing continued, no one knew better than those on strike that a prolonged confrontation would result in the curtailment of the Museum's program for the coming months, even years. Such a situation is contrary to the Museum's essential responsibility to the public and the Association felt this acutely. With this in mind, the Association offered on October 29 to return to work at once while issues were submitted to an impartial fact-finding panel for non-binding recommendations, recognizing that we could probably not go out on strike again, whatever the decisions the panel reached. The summary dismissal of this proposal by the Director on October 30 demonstrated clearly that he held the same irresponsible attitude towards the public that he had already evidenced for the employees on strike. Mr. Oldenburg did not, from June to December, participate in a single session or meet with us for a face-to-face discussion of the issues. (Indeed since the day he became Acting Director almost two years ago, he has not called one meeting of the entire staff.)

That the Museum could not continue to operate normally during the strike was obvious from the composition of the strikers. These included curators, conservators, registrars, editors, assistants and secretaries, bookstore staff, information desk personnel, typists, clerks, and many others who maintain the Museums services and programs.

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With the exception of its Director, the entire 16 member Department of Painting and Sculpture was on strike. In all six curatorial departments and the crucial Registration and Conservation Departments, among 65 staff members below Department Head, 55 chose to go out on strike on October 9 together with some 65 others. (The Association believes that an educational institution such as the Museum must recognize the right of all to act according to the dictates of their conscience. Hence, the Association has maintained an open shop for the bargaining unit and made membership in the Association a matter of individual choice.) During the seven weeks of the strike, no member of the union returned to work.

In the meantime the doors of the Museum remained open, and visitors therefore, decided individually whether to cross a picket line consisting of most of the people responsible for the exhibition program and for the constant maintenance of the collections, and essential services including many people with years of dedicated service to the Museum and its public.

What then were the central issues of the strike?

SALARIES

A primary issue of the strike, and one of concern to museum workers in general, was economic. Mr. Oldenburg's statement in his letter to the members that "at the top curatorial level, our salaries have for some time been among the highest in any museum" failed to address itself to the major problem. The minimum hiring rate at the Museum was \$5750, the minimum after three months was \$6100. 28% of our unit earned less than \$7000, 54% less than \$8500. Only 6% earned more than \$12,500. Management salaries, on the other hand, range from approximately \$20,000 to a reported salary in excess of that of the Mayor of New York, U.S. Senators, or U.S. Ambassadors. The largest gap continues to exist at the level between Curator and Department Head -- a gap exceeding \$10,000. The total salary for some 40 managerial positions is more than \$1 million, while the total for our bargaining unit of 165 was \$1.2 million.

The "substantial adjustments in lower echelon salaries" mentioned by Mr. Oldenburg in his letter to the members were won in negotiations by the Association under the previous contract. During the five years prior to that first union contract, there had been only one cost of living raise at the Museum, despite a management-commissioned study which found the Museum's salary structure totally inadequate in most cases. In the four years that have elapsed since that study was made, many salaries in the bargaining unit are still not at the level recommended. PASTA initially asked for 12% across-the-board, and later reduced this demand to 9%. Still later, it made clear that if it would enable the Administration to meet the minimum salary request of \$7200, PASTA would accept an across-the-board increase which would merely keep pace with the cost of living. (Between August 1972 and August 1973 the general cost of living in New York City rose by 7.2% and food prices alone rose 17.6% according to the Bureau of Labor Statistics.) The Administration never put on the

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table an offer of more than 5 1/2% across-the-board until the eve of the strike settlement. While maintaining that it could not give PASTA an across-the-board increase higher than the 5 1/2% already granted to other Museum unions, the Administration at the same time refused to grant PASTA the same \$7200 minimum it had already given the guards union.

DISPUTED TITLES

Disputed titles are those not legally within the jurisdiction of either the union or management. They include Curator (but not Associate or Assistant Curator), as well as Associate Conservator, Associate Registrar, and administrative titles at secondary and tertiary levels. Many of the individuals holding these titles believe that their job status places them within the union and wish to be represented by it. The position of Curator, for instance, is analogous to that of Professor at a university. At universities it is recognized that to ensure freedom of inquiry, professional titles must be separate from the Administration and protected against economic pressures which may inhibit this freedom. Curators also need this autonomy, but just as much the Museum needs curatorial independence if it is to remain an objective and disinterested force. Without the assurance of this the curator may hesitate to address openly and freely important issues which the Museum must confront if it is to continue to be a vital institution. At the Metropolitan Museum, for example, many curators feared they would lose their jobs if they opposed the disastrous "de-accessioning" policies of the Director.

While Directors of Curatorial Departments sit on the Planning Committee and thus play a direct role in the staff decision-making process, Curators (except for one who is actually a Department Head, though the Museum has not seen fit to give her that title) do not. The Administration permits Associate and Assistant Curators to be in the PASTA bargaining unit but claims a distinction in kind between these positions and that of Curator where in fact there is only one of degree. The Administration thus proposes to disenfranchise Curators (as well as others who hold "disputed" titles) by cutting them off from both the management and the union forum.

Resolution of the disputed titles is subject either to agreement between the parties or to arbitration before the appropriate labor board. What the Museum has never acknowledged is that at the beginning of negotiations last July the union told the Administration it was ready to apply to the National Labor Relations Board for a resolution of this issue. The Administration's representatives replied that such a move was premature, and indicated that they preferred to negotiate jurisdiction over these titles, job by job. Discussions continued on this basis until the eve of the strike on October 9. Then, for the first time, management took the position that this was strictly non-negotiable, unilaterally withdrawing it from the bargaining table and holding agreement on all else hostage to the union's yielding on this issue. At the same time, it publically asserted that the union refused to discuss any issue but the disputed titles.

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POLICY PARTICIPATION

If all of the Museum's staff felt there was a formal mechanism for making its views heard on general policy questions affecting the Museum's welfare as well as its own, there would have been little basis for a strike. The Museum's employees are genuinely dedicated to the betterment of the Museum and not just to the betterment of their own financial status, and out of the absence of meaningful participation in the Museum's policies, frustrations grow and strikes are born. The issue is not one of clearly managerial bodies versus those who are managed. What conflict of interest can arise between parties who share a paramount common concern for service to the public and to the art community?

Our first contract specified that the Director meet with Association representatives prior to each scheduled meeting of the Board of Trustees and of the various Trustee committees, to inform them of pending policy matters and the general range of policy options being considered. These provisions were not respected, however, and management repeatedly abdicated its responsibility in these areas.

In order to correct this situation, the Association asked for one seat on the 40-member Board of Trustees and one on each of seven Trustee committees. These additions would hardly have resulted in veto power for the union. Rather, they would have ensured that the staff had access to information about proposed major policy changes while such changes were still under consideration. Furthermore, the staff would have been able to contribute fresh ideas drawn from the collective experience and expertise of 165 people working in all areas of the Museum. It should be noted that most of the Trustees' principal occupations lie outside the field of art. Moreover, the Museum's Director is answerable to the Board and serves at the Board's pleasure (as several previous Directors have discovered). The union staff could speak with more independence than could high administration officials whose positions are not protected by a formal contract. The union staff could speak with more knowledge of the actual workings of the Museum than absentee Trustees. Does it really serve the best interests of the Museum to insulate its Board from the views of the staff at large?

Mr. Oldenburg and the Trustees have failed to recognize the constructive role that more active participation by the general staff might have. The Director meets on a regular basis only with a limited number of management personnel and the Trustees meet on a regular basis only with the Director and a very limited number of museum staff. Increasingly, colleges and universities throughout the country are involving not only their faculties, but also their students in the decision-making process, in an effort to meet the challenge of making such institutions more responsive to the actual needs of society today. For The Museum of Modern Art, by contrast, to remain adamantly inflexible by continuing to vest all power in its Trustees and Administration without profiting from the knowledge of a large body of its own professional staff, does not auger well for its survival -- let alone for the maintenance of its position as a pioneering, truly modern museum.

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THE NEW YORK TIMES, FRIDAY, NOVEMBER 30, 1973

Modern Museum's Staff Ends Walkout

By ROBERT HANLEY

A seven-week strike against the Museum of Modern Art ended yesterday when its professional and administrative workers voted to accept a new 29-month contract.

After a heated three-and-a-half hour meeting, the striking members of Local 1, Museum Division of the Distributive Workers of America, ratified the contract, 51 to 24, and agreed to return to work this morning.

The contract, which was worked out in marathon negotiations and mediation Wednesday night, provides a wage increase of 17 per cent in three stages, subject to review by the Federal Cost of Living Council.

The union had asked for a 9 per cent raise in a one-year contract, while the museum initially offered annual 5½ per cent increases in a two-year pact. The union also sought—unsuccessfully—to broaden its jurisdiction.

The initial increment is an immediate 5½ per cent, retroactive to July 1, when the

union's two-year contract expired. An annual 5½ per cent increase becomes effective tomorrow. And the last year of the contract, from Dec. 1, 1974, to Nov. 30, 1975, provides a 6 per cent wage boost.

Basic salaries over the term of the pact will range from \$7,000 for a bookstore clerk with a year's experience to \$18,720 for an associate curator. Under the old contract, salaries ran from \$6,100 to \$16,000; museum officials reported.

Gratitude Expressed

In a brief statement issued after the ratification vote, the museum's director, Richard E. Oldenburg, expressed gratitude "for the patience and understanding shown by the museum's members and general public during these past difficult weeks."

Although the walkout, which began Oct. 9, did not force the museum to shut down, its film series was canceled and the scheduling of major exhibitions was disrupted because other unionized workers, including

the Teamsters, refused to cross picket lines of Local 1.

The film showings will resume today with performances at 2 P.M. and 5:30 P.M.

After the ratification, Mr. Oldenburg and other museum officials began drawing up plans for the opening of the previously postponed Marcel Duchamp retrospective.

"We hope to have the exhibition either just before Christmas or immediately after," a spokesman for the museum said late yesterday afternoon.

The Duchamp exhibition, currently at the Philadelphia Museum of Art, had been scheduled to open here next Wednesday. But that date was canceled, for fear that the collection might be damaged if it was moved through picket lines outside the museum.

About 100 of the 163 unionized employees who manned the picket lines agreed yesterday to assemble outside the museum's main entrance at 11 West 53d Street and march in to work

together today, a union spokesman said.

The spokesman said that the settlement proposal, which union bargainers presented without recommendation, drew "mixed feelings" during the closed-door meeting at 13 Astor Place.

Observers believed that some rank-and-file bitterness developed from the union's failure to win a key demand—adding to union rolls 12 upper-level job titles, including curator, associate registrar and assistant to the director. Under the contract, the union will have the option of arguing that demand before the National Labor Relations Board.

On another issue, the museum agreed to ease procedural requirements for union representatives to sit in on policy and planning meetings of the board of trustees. The representatives, however, were denied voting power.

In another labor dispute, no negotiations were held yesterday in the strike against the New York City Ballet that began Nov. 13.

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OUTLINE OF FINAL OFFER MADE BY MUSEUM TO LOCAL 1
November 28, 1973

Contract Term: 29 months - July 1, 1973 through November 30, 1975.

Salaries:

Across-the-board increases:

July 1, 1973 - 5-1/2%
December 1, 1973 - 5-1/2%
December 1, 1974 - 6%

Waitresses:

15¢ per hour
10¢ per hour
15¢ per hour

Adjustments:

Senior Conservators - additional \$750 per year, effective December 2, 1973 and again December 4, 1974.

Minimum salaries (effective December 2, 1973):

Minimum hiring rate: \$6,000

After six months' employment: \$6,600

After one year's employment: \$7,000

Welfare (effective December 1, 1973):

Long term disability insurance coverage - after 90 days disability, 50% of salary to a maximum of \$1,500 per month benefit, to age 65.

Major Medical - lifetime coverage to be increased from \$25,000 to \$50,000.

Education benefits:

Annual appropriation for tuition aid to be increased from \$5,000 to \$6,000.

Miscellaneous:

Male employees to be entitled to up to six months child-care leave to stay home in order to care for newborn children.

Union to receive copies of notices of termination. Copies of other disciplinary documents to be provided to union only upon express request of the individual employee.

Employees to be afforded reasonable opportunity to examine material in their individual personnel files relating to employment by the Museum.

Upon completion of Museum review of policies regarding payment of royalties for Museum publications distributed free to members, proposed changes to be discussed with appropriate committee of the union.

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Clarification or modification of pre-existing rights:

{ Employees engaged in research projects and on sabbatical leave to be entitled to full benefits. }

In case of inconsistency between express provisions of contract and Personnel Manual, terms of the contract prevail.

Personnel Review Board to be a continuing body, with substitutions to be made among its members in the event of departmental conflicts.

All employees eligible for tuition aid after one year's employment.

*Shrubs
2 yrs!!*

Special arrangements to be made in appropriate cases to advance tuition aid prior to registration.

{ Reasonable advance notice of Board agenda items to be given to the Union Program Committee. }

Elimination of certain procedural restrictions on existing right of union representatives to appear before Trustee Committees and Board of Trustees.

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel: 956-6100 Cable: Modernart

RELEASE NO. 94
FOR IMMEDIATE RELEASE
NOVEMBER 20, 1973

The Museum of Modern Art, where members of Local One, Museum Division, Distributive Workers of America are currently on strike, announced today that the Marcel Duchamp retrospective scheduled to open December 5 has been postponed.

The safety of works of art has always been of paramount importance to the Museum. Since the strike would necessitate special arrangements for shipping and delivery, the Museum believes that it would be imprudent to proceed at this time with an exhibition of this extraordinary scope and character. The Museum is continuing to explore the possibility of presenting the exhibition at a later date.

The exhibition was organized jointly by the Museum and the Philadelphia Museum of Art where it opened in September. It will be extended through December at that institution. It will also be shown at the Chicago Art Institute in 1974.

Since senior curators and registrars are not on strike, nor are any of the unions whose members are responsible for the physical aspects of installation (picture handlers, carpenters, painters, electricians), the Museum is fully capable of installing the exhibition. It is primarily the logistical problems which might be involved in delivering the works which necessitate the postponement. The Museum stated that even the slight possibility that the current circumstances might expose these unique works entrusted to the Museum by lenders from all over the world to any risk has forced this decision.

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In place of the Duchamp show, an exhibition from the collection selected and installed by William Rubin, Director of the Department of Painting and Sculpture, will go on view beginning December 17. The exhibition will include many rarely seen works by such masters as Pollock and Rothko and complements the international exhibition of 20th-century painting and sculpture on view on the 2nd and 3rd floors. Other exhibitions on view during the Christmas season include Unfamiliar Places: A Message from Bill Dane, Prints by Giorgio Morandi, Painters for the Theater, Architectural Models, Drawings and Objects from the Collection, and Published in Germany 1923.

The exhibition of paintings and sculpture by Miro will be extended through the holiday season. This show, drawn from the collection and including promised gifts, opened October 10.

The strike by Local One began on October 9. Despite the efforts of the State Mediator, who was called in before the strike, an impasse in negotiations resulted from the union's demand that its jurisdiction be extended to include full curators and associate and assistant department heads whose jobs the Museum considers clearly supervisory and therefore ineligible to be part of the union's bargaining unit. The Museum has urged Local One, without avail, to take the union jurisdictional dispute to the NLRB, the agency charged by Congress with responsibility for determining issues of this nature.

Additional information available from Elizabeth Shaw, Director of Public Information, The Museum of Modern Art, 11 West 53 Street, New York, New York 10019. Phone: (212) 956-7501 and 956-7504.

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*Pasta letter
November
1973*

The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

Lucia V
William
David
Pl. Jeter

To Members of the Program Planning Committee

From Waldo Rasmussen

Date November 19, 1973

Re Letter to lenders to International Program exhibition:
FOUR CONTEMPORARY MASTERS

For your information I attach a copy of the letter written to lenders of the FOUR CONTEMPORARY MASTERS exhibition by Joan Rabenau, and a copy of my letter to the lenders reassuring them that all of our customary procedures for inspecting the works before their return would be maintained.

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The Professional and Administrative Staff Association of The Museum of Modern Art

~~136 West 55 Street, New York, NY 10019~~

Strike Headquarters: Gorham Hotel
136 West 55 Street, New York, NY 10019

November 13, 1973

Mr. and Mrs. Alfred R. Stern
993 Fifth Avenue
New York, N.Y. 10028

Dear Mr. and Mrs. Stern:

As lenders to the exhibition FOUR MASTERS OF CONTEMPORARY ART, which was organized under the auspices of The International Council of The Museum of Modern Art for circulation in Latin America, you may already know that The Professional and Administrative Staff Association of The Museum of Modern Art has been on strike since October 9. We feel it our duty to inform you that the staff responsible for the preparation of this exhibition, and for supervising its return to lenders, is on strike and, therefore, there may be a delay in returning your loan.

For your information, all members of the International Program, with the exception of Waldo Rasmussen, Director, are on strike and include Susan Bertram, the Exhibition Assistant. The Director of the Exhibition, Alicia Legg, Associate Curator in the Department of Painting and Sculpture, is also on strike, as are all other members of that department except for its Director, William S. Rubin. In the Registration Department, all are on strike except for the new Registrar, who arrived on November 1, and one Associate Registrar, whose primary responsibility is the Museum Collection.

The FOUR MASTERS show was scheduled to close in Rio de Janeiro on November 4 and it should arrive in New York in the near future. Our picket line will not prevent the exhibition from safely being delivered to a responsible warehouse for storage pending settlement of the strike. Because of the careful arrangements necessitated in the preparation of our exhibitions — some pictures are reframed for travel and sculptures fitted to new bases — many works will require special attention to be returned in their original condition. And all works must undergo a careful condition check by qualified personnel.

You may already have heard from the Management of the Museum about the return of your loan. If the strike continues, and if an attempt is made by the few remaining staff in the Museum to unpack and disburse the works, we feel this might risk damage because those who worked on the show, and know particular details about each work, are not available.

The strike, which is now in its sixth week, has been a very painful experience for a staff whose commitment to the Museum's program has always been, and continues to be, its highest priority. We are sorry to bring these distressing facts to your attention. As members of a professional staff of an institution whose reputation we feel is justly based on maintaining the highest professional standards, we feel that it is our duty to do so.

Yours very sincerely,

Joan Rabenau
Joan Rabenau
Chairman

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The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019 Tel. 956-6100 Cable: Modernart

November 15, 1973

I have just received a copy of the letter recently sent without my knowledge to lenders to the FOUR CONTEMPORARY MASTERS exhibition by Joan Rabenau, Chairman of the Professional and Administrative Association, now on strike. This letter is to assure you that the exhibition will soon be shipped to New York from Rio de Janeiro, and that as previously arranged, it will be delivered to a responsible warehouse where the works will be given a careful condition inspection before their return to lenders.

We regret very much that because of the strike there may be some delay in our returning works to the lenders, but I can reassure you that all of our customary procedures for inspecting the works before their return will be maintained.

The final two showings of the exhibition in Brazil were an enormous success, and I would like to express again our deepest gratitude to you for lending to this exhibition which is one of the most important our Museum has ever sent to Latin America. I was present for the opening of the exhibition in Sao Paulo at the Museu de Arte on September 13, and the reaction of the public to the works by these great masters was as enthusiastic as it has been in its previous showings in Caracas, Bogota and Mexico City. Naturally before installing the exhibition I gave the works of art a careful condition check, and they were inspected once again in Rio de Janeiro by the Museum's Curator of Painting and Sculpture, Betsy Jones, who supervised the installation at the Museu de Arte Moderna and was present for the opening on October 15.

Under separate cover I am forwarding a copy of the catalogue prepared for the Brazilian showings, and later on we will be sending you excerpts from the extensive press coverage the exhibition has received during its tour. These will clearly indicate what a landmark the exhibition has been in our Museum's cultural exchange program with Latin America, and we are deeply grateful for your assistance in making this possible.

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We regret any inconvenience these delays may cause you, but again want to stress that the strike will in no way affect the professionalism with which our Museum handles the exhibition. Please do not hesitate to telephone me personally (956-5912) if you have any questions regarding the return of your loan.

With warmest appreciation for your generous cooperation,

Sincerely,

Waldo Rasmussen
Director
The International Program

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The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019 Tel. 956-6100 Cable: Modernart

Office of the Director
Tel. (212) 956-7502

November 16, 1973

Dear Member:

As of this writing, the Museum is still undergoing a most unfortunate strike by one of its five unions. I have wanted to write you earlier, but I frankly had hoped that the strike could be settled rapidly and did not wish to take public positions which might inhibit negotiations. Since recent sessions with the State Mediator have yet to achieve a settlement, I feel that I should delay no longer in writing you.

Throughout the strike, the Museum has kept its galleries and Sculpture Garden, as well as its restaurant facilities and lobby bookstore, open to its members and the general public. I am deeply aware, however, that our members may be understandably distressed by the existence of a picket line, the disruption of our film programs, and the union's attacks on the Museum. I very much regret these difficult circumstances and appreciate the concern which some members have expressed in person or in letters.

Since we have all wished an early resolution of the strike, I owe you an explanation of why a settlement has proved so difficult to achieve. The problem, in essence, is that this strike is not only, or even primarily, over economic issues. The union is pressing demands profoundly affecting the manageability and structure of the institution. The Museum believes

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that acceptance of these demands would be seriously detrimental to its future.

Who Is Striking?

The striking union is Local 1, Museum Division, of the Distributive Workers of America. The union represents a broad cross-section of the Museum's employees, covering such jobs as secretary and bookstore clerk as well as curatorial titles up through Associate Curator.

This labor situation is almost unique, since no art museum in New York, and only one other in the country, has a unionized curatorial and clerical staff.

The bargaining unit includes approximately 165 of our 380 employees. Of these, 60 individuals, or over one third of the unit, chose not to go out on strike. About 280 employees are therefore still at work, maintaining the Museum's services and facilities.

What Are The Issues?

Although other demands are being negotiated, there are really three major issues. The wage issue is not the primary one which has prevented a settlement. However, I shall comment on salaries first, since this question has been emphasized in letters from members.

Salaries

I can assure you that the Museum is not at all insensitive to the problem of lagging salaries in the museum professions. At the top curatorial level, our salaries have for some time been among the highest in any museum. In the past two years, despite mounting deficits, substantial adjustments have been made to improve lower echelon salaries, making them equal to or better than median levels at comparable institutions.

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There are limits, however, to what the Museum can afford given a growing deficit well in excess of \$1,000,000 each year.

Although the union includes Associate Curators earning more than \$16,000 per year, the union prefers to cite for greater effect the current minimum salary of \$6100 for clerical employees. This minimum rate applies, for example, to a bookstore clerk with less than one year of employment. This rate is not out of line with commercial enterprises, which also do not offer benefits such as the Museum's four weeks paid vacation after one year. Nevertheless, the Museum has clearly indicated its readiness to raise this minimum in the current negotiations.

Prior to the strike, the Museum offered the union increases of 5 1/2% in each year of a two-year contract. This is the same percentage negotiated for the current year with the Museum's four other unions, with which the Museum must also value its relationships. The union responded with a demand for a much higher percentage, and for a contract of only one year.

"Disputed Titles"

The issue of "disputed titles", more than any other, precipitated the strike. The union is seeking to extend its jurisdiction to include higher-level supervisory positions which were not in the bargaining unit as certified by the National Labor Relations Board. The union is seeking to add such titles as full Curators and associate and assistant department heads, which constitute the second line supervisory staff in crucial departments of the Museum. The Museum has rejected this demand, since it is simply not possible to run this large and complex institution unless the essential balance between union and management is maintained.

The Museum has repeatedly urged the union to take this issue before the

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National Labor Relations Board, the agency charged by Congress with resolving questions of this nature. The union chooses not to, apparently hoping to gain more through negotiated concessions than through a determination on the legal merits.

"Policy Participation"

The most misleading claim in this dispute is the union's contention that the professional staff does not have an effective voice in the formulation of policy. In fact, the Museum's collection, exhibition, and publishing programs are completely the expression of judgments and priorities determined by the full professional staffs of the several curatorial departments. The union itself has been given remarkably open access to the policy making process of the Museum. In the progressive contract negotiated two years ago, representatives of the union were given the right to review in advance Board Meeting agendas, to appear before meetings of the Board and other Trustee Committees, and to participate in selecting curatorial department heads and the Museum director.

Now, beyond these provisions, the union demands union representation on the Board and other clearly managerial bodies such as the Executive and Finance Committees.

Aside from serious problems of confidentiality and conflicts of interest, I am convinced that these demands would confuse the respective roles and responsibilities of the staff and the Board, to the detriment of both. Just as the staff would resist any attempt by the Trustees to dictate the Museum's program, the Board must preserve its final responsibility for guaranteeing the financial and operational integrity of the Museum. Given the existing avenues for participation and consultation, the union seems to be seeking more power, rather than responding to actual needs for greater involvement in policy.

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Proposal for Fact-Finding

When three weeks of striking, and all kinds of special pressures, had failed to force the Museum into acceding to the union's demands, the union proposed that all the issues be submitted to "impartial fact-finding".

This is a method most commonly invoked in the government sector to resolve disputes with unions legally prohibited from striking. When a strike is in process, it is a device to which either side may resort to gain a tactical advantage. (In the on-going strike at the Philharmonic, fact-finding was proposed by management and rejected by the union as "a publicity gimmick".) While the proposal is effective in publicity terms, neither side is a villain for rejecting it. Despite its surface appeal, fact-finding is not a panacea for resolving serious differences of principle.

After careful consideration of the proposal, we concluded that the Museum could not agree. It would mean abdicating decisions crucially affecting the structure of the institution to outsiders, however "impartial", who would bear neither responsibility nor accountability for living with them. The suggestion that the fact-finders' recommendations would be "non-binding" is a distinction without a difference. Once the principle of third party resolution is accepted, it is virtually impossible to reject its conclusions.

If the union wished the view of a third party on the crucial issue of the "disputed titles", it should be the appropriate third party, the National Labor Relations Board, ruling on the legal merits.

Your Membership

In these difficult days at the Museum, it has been very encouraging that so many of our members and the general public have continued to visit our exhibitions and facilities. Whether they are expressing support for the

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Museum or simply a deeper commitment to the arts than to taking sides in a labor dispute, I am deeply appreciative.

At the same time, I am well aware that some members, whether acting on principle, avoiding unpleasantness, or both, have chosen not to visit the Museum during the strike. Whatever their reasons, they have thereby been deprived of their membership benefits.

In spite of our serious financial problems, I have therefore asked our Membership Department to extend the term of membership privileges to those members who request it. This has been a small number of our total membership so far, but if the strike has prevented you from using the Museum as you have a right to, please send me a brief note, and I shall see to it that an extension is issued. I also want to assure those of you for whom the film program is of primary interest that most of the films missed due to the strike, including the Warner Brothers retrospective, will be rescheduled at a later date and an announcement made of the new schedules.

Finally, I wish to thank all of the members who have written to me. Whether critical or supportive of the Museum, these letters indicate a warm interest and concern for its well-being. A not uncommon phrase is that the Museum represents "a second home". I am deeply sorry that this home seems to be in some disarray at present, and I share your hope that it will be shortly back in order. In the meantime, I ask you to continue your support for the Museum as a great cultural institution, which, now more than ever, needs your understanding.

Sincerely,

Richard E. Oldenburg

Richard E. Oldenburg
Director

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION
OF THE MUSEUM OF MODERN ART

For Immediate Release
November 12, 1973

WIDE SUPPORT FOR PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION
OF THE MUSEUM OF MODERN ART IN ITS EFFORTS TO NEGOTIATE CONTRACT

Numerous and widely diverse sectors of the community have voiced strong support for the Professional and administrative Staff Association of The Museum of Modern Art (PASTA/MOMA) since the beginning of its strike on October 9. This support has become particularly emphatic since October 30, when the Museum summarily dismissed the union's offer to return to work immediately if the administration would agree to submit the issues in dispute to an impartial fact-finding panel empowered to make non-binding recommendations. Representatives of many other museums, professional associations, university faculties, artists, filmmakers, labor unions, national, state, and city legislators, as well as the general public and the Museum's own members, have communicated to PASTA and the administration their sympathy with the goals the union is seeking in its contract negotiations and have expressed hope for a prompt and equitable settlement to end the lengthy strike.

Sen. Jacob K. Javits (R., N.Y.), the first to suggest fact-finding as a solution to negotiation and mediation procedures that had remained deadlocked for four months since the union's contract expired on June 30, termed the Museum's flat rejection of this proposal "highly regrettable."

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Carter Burden, City Councilman (D.-L., Manhattan), a member of the Museum's Junior Council, declared that the rejection of fact-finding was "inconsistent with a good faith commitment to negotiate" and "indicated that the Museum had opted instead for a hard-nosed test of strength with the Staff Association." [~] Harold Samuels, President of the Off-Track Betting Corporation, said, "I must add my voice to those who are urging the Museum to reconsider its rejection of the perfectly sensible offer of fact-finding." In a strongly worded editorial, the New York Times on November 1 accused the Museum of resorting to "the law of the jungle" by refusing to "effect an immediate return to normal operations through acceptance of its union's proposal for non-binding fact-finding."

x all enclosure

The prestigious position of The Museum of Modern Art would in itself be sufficient to focus public attention on a protracted strike by more than one hundred of its professional and administrative staff. Beyond this, however, there has been general recognition that the present confrontation has implications that far transcend the situation at any single institution. What is being challenged is whether non-profit cultural institutions can continue to rely for support upon a handful of wealthy trustees, who in return for their contributions seek to retain complete control over policies, programs, and the destinies of staff members. In the words of the filmmaker Emile de Antonio, "The disease endemic to all museums is genteelism . . . a condition in which the rich increase their social prestige among themselves, extend their money power to culture power; it is a condition in

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which museum workers are treated and paid genteelly, like 19th-century nursery governesses." Many of PASTA's supporters have concurred in the opinion that the Museum and its public alike would greatly benefit if control were vested less exclusively in the hands that hold the purse strings, and more attention paid to the views of those qualified by professional experience and competence rather than wealth. The critic and art historian Lucy Lippard wrote in a letter to the New York Times on November 4, "The 'lower' curators, editors, and such exploitees are the heart of the Museum -- the real energy that keeps it in touch with real life. Are they to be the victims, like artists themselves, of a society which considers art, scholarly work, dedication to esthetic and social standards, of so little value that they don't even have to be paid for? It would be tragic for art and artists if the striking employees were to be fired or forced back into their previous positions because of their commitment to the work and the art. It would be equally tragic for the public, which would lose its allies within the system, leaving MOMA to become even more a club for the wealthy, supported by its workers, than it is now."

A coalition of staff members from the American Museum of Natural History, the Brooklyn Museum, the Solomon R. Guggenheim Museum, the Jewish Museum, The Metropolitan Museum of Art, the Museum of Contemporary Crafts, and the Whitney Museum of American Art has rallied to PASTA/MOMA's cause. Recognizing, as they wrote, that "your fight is our fight," they have formed themselves into a committee pledged to make weekly contributions from their own

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salaries to PASTA's strike fund. Expressions of support have also come from out-of-town institutions, including the Education Department and the School of Art of the Art Institute of Chicago, the National Collection of Fine Arts and the National Portrait Gallery in Washington, and the Minneapolis Institute of Fine Arts, one of two other museums in the country to have a certified union representing its professional and administrative staff.

The academic community has also recognized that the present system of concentrating control in the hands of trustees and management endangers the quality of the entire museum profession, whose members have long been rewarded with even lower pay and fewer fringe benefits than have college and university professors. John Rewald, Professor of Art History at the Graduate Center of the City University of New York and author of two classic works published by the Museum, The History of Impressionism and Post-Impressionism: From van Gogh to Gauguin, wrote to the Museum's Director, Richard E. Oldenburg, "I suddenly realize that what is happening at the Modern and may soon happen at other institutions relates directly to my activity as a teacher. For years I have been trying to interest my students in museum work and have been distressed to see how few intelligent young people were attracted by a career as curator, or similar positions. Almost all my students want to go into teaching, where the salaries are better, vacations longer, independence greater, possibilities to do scholarly work more numerous, and where tenure is more easily attainable. What is now happening at MOMA and what the public -- and art history students -- are now learning about conditions,

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pension funds, etc. is not only sad for the Museum and its staff, it is really the most catastrophic warning to the next generations which I am trying to form, telling them: "STAY AWAY FROM THE MUSEUM FIELD!"

Support has likewise come from other professional groups, such as the American Crafts Council, the Philharmonic Orchestra (a number of whose musicians, though currently involved in a strike of their own, played a benefit performance for PASTA/MOMA), the Staff Negotiating Committee of the Institute of International Education, and the New York Library Guild. David R. Beasley, President of the last-named association, wrote to Mr. Oldenburg on October 25, "I ask you to note that unions have brought many improvements to the cultural institutions of the City. If you stubbornly refuse to accept this fact and insist that staff have no right to collective bargaining, you will be raising the question of your own desirability^{as Director} of one of the most important cultural centers of the City."

A wide variety of unions has already expressed support for PASTA, which is Local 1, Museum Division, Distributive Workers of America. Among them are the United Automobile Workers Local 259, United Optical Workers Local 408, Ironworker Shopmens Local Union 455, and Joint Council 16 of the Teamsters Union.

The fact that the low salary level at The Museum of Modern Art is in large part owing to the preponderance of women in positions other than managerial has drawn protests against this situation from feminist leader Gloria Steinem and the Manhattan Women's Political Caucus.

Recognizing the importance that the Museum has for the

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cultural life of the city, the nation, and the world, many legislators besides Sen. Javits and City Councilman Burden have urged that good-faith bargaining proceed so that the long strike may soon give way to agreement upon an equitable contract. Among them are City Councilmen Carol Greitzer and Theodore Weiss; City Council President-Elect Paul O'Dwyer; State Assemblymen Albert H. Blumenthal, Anthony Di Falco, Franz Leichter, Antonio G. Olivieri, Michael L. Pesce, Seymour Posner, and Andrew J. Stein; State Senators Carol Bellamy, Paul Bookson, and Manfred Ohrenstein; and New York Representatives in the U.S. Congress Pella S. Abzug and Ogden Reid.

Petitions in support of PASTA have been signed by some 500 of the Museum's members and approximately 2,000 of the general public to date, while many have written directly to the Museum to express their concern. In addition, PASTA has heard from hundreds of artists in every medium in this country and abroad. Approximately one hundred leading artists, film-makers and directors, critics and art historians, art dealers, political figures, and others concerned with the arts have signed a petition that will appear in the forthcoming December issue of the magazine Artforum.

All film programs at the Museum have been cancelled since the inception of the strike, and its large Bookstore II has been closed. Though the Museum has continued to remain open, with management personnel undertaking such functions as manning the information desk and ticket booths, attendance is down by more

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than one third. While even the curtailed operations may appear to give the Museum a semblance of normality, the true situation is apparent on the floors unvisited by the public, where for the most part only managerial and exempt staff remain on duty. The entire Painting and Sculpture Department, largest of the curatorial divisions, is out on strike with the exception of its Director, as are some 24 members of the other curatorial departments. Of a staff of seven people in Conservation, only the Chief Conservator remains, and only 3 out of 13 staff members in the Department of Registration. Editors and secretaries from the Publications Department, together with staff members responsible for Rights and Reproductions, and the Photo Archives, are on strike, as are all but a handful in the Department of Public Information and the small Bookstore I adjoining the lobby.

The chief issues on which the Museum has adopted a wholly recalcitrant stand that the union believes to be a negation of good-faith bargaining are the establishment of a minimum wage for full-time work well above the present low level of \$5,750 and an across-the-board increase reflecting to some degree the rise in the cost of living in New York City; a share in decision-making by having one union representative on the Museum's 40-member Board of Trustees and several of its committees; and inclusion within PASTA's bargaining unit of a number of senior staff members who wish to be so represented, but whom the Museum seeks to exclude as "supervisory," though their status is in fact professional rather than managerial.

* * * * *

For further information contact Joan Rabenau, Susan Bertram, or Martha Beck, Room 1302, Hotel Gorham, 136 West 55 St., New York 10019; (212) 615 - 1800.

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Exact typescript

The Professional and Administrative Staff Association of The Museum of Modern Art
11 West 53 Street, New York, N. Y. 10019

November 9, 1973

Dear

As lenders to the Ellsworth Kelly retrospective which just closed at The Museum of Modern Art in New York, you may be interested to know that The Professional and Administrative Staff Association of The Museum of Modern Art is on strike and has been on strike since October 9. We feel it is our duty to inform you that the staff responsible for the preparation of the exhibition and for supervising its dismantling, which began on November 5, its packing and shipping to the next exhibiting museum, The Pasadena Museum of Modern Art, are members of the Association and all are on strike.

We would like to bring to your attention that, despite the strike, the Management of The Museum of Modern Art is proceeding with the delicate and complex procedures of dismantling and packing, notwithstanding the fact that there are not staff members presently working at the Museum who were directly involved in the preparation of the show and who are therefore familiar with the problems inherent in the size of the Ellsworth Kelly paintings and sculpture and the delicacy of their surfaces.

For your information, all members of the painting and sculpture staff, with the exception of William S. Rubin, Head of the Department, are on strike and include, specifically, Pierre Apraxine, Assistant Curator, and Cora Rosevear, Curatorial Assistant, who have been in charge of the preparation of the exhibition and worked with Mr. Goossen, the artist, and the lenders. All members of the Registration Department are on strike except the new Registrar, who arrived November 1, and one Associate Registrar, whose primary responsibility is the Museum Collection.

The Registration Staff on strike include Elizabeth Burnham, Associate Registrar in charge of exhibitions, who is the only general supervisor of all aspects of temporary exhibition programs; and Jeanie Weiffenbach, Senior Registration Cataloger, who has the responsibility of examining the condition of the works and of supervising the professional and specialized shipping and packing required by the nature of the exhibition. It is especially distressing that Ms. Weiffenbach, who examined the condition of the works upon their arrival, is not there to check their condition before they are packed. It is also distressing that the packing of the paintings is going ahead without Ms. Weiffenbach's direct supervision of procedures, resulting in possible hazards to the works due to the fact that so few qualified personnel remain on the premises. Ms. Weiffenbach has, of course, not been available for consultation on changes now being made in the packing procedures which she originally formulated. Finally, Eleanor Belich, Assistant Traffic Manager, who is in charge of the physical handling and movement of Kelly works within

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the Museum is also on strike, with the consequence that the usual treatment of works of art on the Museum premises is not being carried out with the proper supervisory care.

We also feel that we should inform you that, because of the picket lines, the special van arranged for transporting the exhibition to the Pasadena Museum may not be available, as the driver may refuse to cross the picket lines. Should the Management try to pursue the original schedule planned for the Kelly exhibition, it may have to resort, in order to load the truck, to some sidewalk delivery processes, which, needless to say, present enormous hazards.

The strike, which is now in its fifth week, has been a very painful experience for a staff whose commitment to the Museum's progress has always been and continues to be its highest priority. We are sorry to bring the distressing facts above to your attention. As members of the professional staff of an institution whose reputation we feel is justly based on maintaining the highest professional standards, we feel that it is our duty to do so.

Yours very sincerely,

Joan Rabenau
Chairman

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The Professional and Technical Staff of the Museum of Modern Art
11 West 53 Street, New York, N.Y. 10019

November 9, 1973

Dear

As lenders to the Ellsworth Kelly retrospective which just closed at The Museum of Modern Art, you may be interested to know that the Professional and Technical Staff Association of The Museum of Modern Art is on strike and has been on strike since October 9. We feel it is our duty to inform you that the staff responsible for the preparation of the exhibition and for supervising its dismantling, which began on November 5, has packing and shipping to the next exhibiting museum, The Museum of Modern Art, are members of the Association and all are on strike.

We would like to bring to your attention that, despite the strike, the Management of The Museum of Modern Art is proceeding with the delicate and complex procedure of dismantling and packing, notwithstanding the fact that there are not staff members presently working at the Museum who were directly involved in the preparation of the show and who are therefore familiar with the problems inherent in the size of the Ellsworth Kelly paintings and sculpture and the delicacy of their surfaces.

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The Registration Staff on strike include Elizabeth Durham, Associate Registrar in charge of exhibitions, who is the only general supervisor of all aspects of temporary exhibition programs; and Jeanie Weiffenbach, Senior Registration Cataloger, who has the responsibility of examining the condition of the works and of supervising the professional and specialized shipping and packing required by the nature of the exhibition. It is especially distressing that Ms. Weiffenbach, who examined the condition of the works upon their arrival, is not there to check their condition before they are packed. It is also distressing that the packing of the paintings is going ahead without Ms. Weiffenbach's direct supervision of procedures, resulting in possible hazards to the works due to the fact that so few qualified personnel remain on the premises. Ms. Weiffenbach has, of course, not been available for consultation on changes now being made in the packing procedures which she originally formulated. Finally, Eleanor Polich, Assistant Traffic Manager, who is in charge of the physical handling and movement of Kelly works within

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The strike, which is now in its fifth week, has been a very painful experience for a staff whose commitment to the Museum's program has always been and continues to be its high priority. We are sorry to bring the distressing facts above to your attention. As members of the professional staff of an institution whose tradition we feel is justly based on maintaining the highest professional standards, we feel that it is our duty to do so.

Yours very sincerely,

Joan Rabenau
Chairman

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**** PRESS RELEASE ****

Release date: November 9, 1973

For more information contact: Mimi Pichey 246-6840 x.15

MUSEUM WORKERS CALL SUPPORT DEMONSTRATION FOR MUSEUM OF MODERN ART STRIKERS
WEDNESDAY NOVEMBER 14, 12-2

Staff members from a number of New York City museums met recently to found the Museum Workers Association of New York City. The organization pledged its support to the striking staff of the Museum of Modern Art. An ongoing strike fund has been set up for the duration of the strike and a support demonstration has been planned.

Staff members of the American Museum of Natural History, Museum of Contemporary Crafts, Metropolitan, Whitney, Brooklyn, and Jewish Museums and many others will rally at the Museum of Modern Art, 11 W.53 St, on Wednesday November 14 from 12 to 2 in support of the strikers and their demand for an impartial fact-finding panel to aid in settling the strike.

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

November 8, 1973

Dear *Mrs. Rockefeller*:

We are now into the fifth week of our strike. To keep you informed, various materials are enclosed for your information which we would appreciate your reading.

We would like you to know that on October 29 the Staff Association offered to return to work while all outstanding matters in our contract dispute be set before a neutral fact-finding panel empowered to make non-binding recommendations.

Mr. Oldenburg has refused to accept this offer.

We are enclosing a copy of our response to Mr. Oldenburg as well as a reprint of the editorial which appeared in the New York Times on November 1. According to Mr. Oldenburg, the issue creating an impasse in negotiations is that of the disputed titles. You may also be interested in reading the memorandum written to Mr. Oldenburg expressing the Staff Association's arguments in regard to this issue.

The date for your next meeting of the Board of Trustees is quickly approaching. We strongly feel it is your duty as a member of the Board of Trustees to ask questions and to weigh the arguments on both sides very heavily with a concerted effort to ascertain the spectrum of opinion of the entire Board. It is important that you not let yourselves be influenced by the presentation of a minority of your colleagues.

This is a very painful experience for all of us. If you really believe in the Museum and its Staff, we very much hope that you will do your utmost to express your opinion openly to bring this confrontation to a speedy and just settlement.

Sincerely,

Joan Rabenau

Joan Rabenau
Chairman

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Carter Burden

1427 LEXINGTON AVE., New York, New York 10028

COUNCILMAN, D-L, MANHATTAN, 4th DIST.

Contact: Bob Kater 427-4405

ALBANY THURSDAY, NOV. 1, 1973

November 7, 1973

STRIKE BEGINS - COUNCILMAN BURDEN TO ADVISE STRIKE
PROPOSING CITY EMPLOYEES TO DEMAND 2% AGG INCREASES

Mr. Russell Lynes
427 East 84 Street
New York, New York 10028

Dear Russell:

I am enclosing two memos sent to the staff by Dick Oldenburg -- one just before the strike started and one more recently. Also, a copy of Bob's note.

Have fun --

Sincerely,

Elizabeth Shaw
Director
Department of Public Information

Enclosures

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Carter Burden

COUNCILMAN, D-L, MANHATTAN, 4th DIST.

1457 LEXINGTON AVE., New York, New York 10028

Contact: Bob Karen 427-4405

RELEASE: THURSDAY, NOV. 1, A. P.

BURDEN URGES MOMA TO RESOLVE STRIKE PROPOSES CITY FUNDING TO SUBSIDIZE WAGE INCREASES

City Councilman Carter Burden (D-L, Man.) today urged the Museum of Modern Art (MOMA) to seek "an immediate and equitable resolution" to the 3-week old strike by the Museum's 100 member Professional and Administrative Staff Association (P.A.S.T.A.) by submitting all disputed issues to an impartial fact-finding panel. The fact-finding proposal, made by P.A.S.T.A. on Monday was rejected by the Museum yesterday.

Burden, who is a member of MOMA's Junior Council, said that the Museum's rejection of fact-finding was "inconsistent with a good-faith commitment to negotiate" and "indicated that MOMA had opted instead for a hard-nosed test of strength with the Staff Association."

"The Museum's inflexible position may appear to be 'good strategy' to MOMA's attorneys, but it can only result in a prolonged and incredibly destructive confrontation which will benefit neither the Museum nor its employees," Burden added.

There are three principle issues in dispute between MOMA and P.A.S.T.A. -- wages, inclusion of certain staff members in the P.A.S.T.A. bargaining unit, and staff participation in Museum policy through membership on the Board of Trustees.

P.A.S.T.A. is seeking to raise the minimum wage for all museum employees from \$6100 to \$7200 as well as across the board increases of more than 5%.

Noting that the U.S. Bureau of Labor Statistics sets \$7200 as the minimum amount needed to maintain an average standard of living in New York City, Burden urged MOMA to meet the \$7200 minimum wage demand which, he said, would mean an additional cost to the museum of \$55,000 a year.

"It is essential to pay Museum employees a realistic living wage; at the same time it is also essential to recognize that the Museum of Modern Art is not General Motors with unlimited profits to meet increased labor costs," Burden said. Like many city cultural institutions, MOMA faces a growing annual operating deficit -- last year nearly \$1.5 million.

The answer to MOMA's financial squeeze, Burden emphasized, "is not substandard wages or reduced public operations, but increased government support -- from the National Endowment on the Arts, the State Council on the Arts, and from the City of New York."

Institutions like MOMA have not received city financial support in the past, Burden pointed out, because of a long standing policy of allocating the city's cultural budget to a handful of established institutions, like the Metropolitan Museum. Under the 1973-74 Expense Budget, the Metropolitan received over \$5 million out of a total cultural budget of \$21.4 million.

Burden, who is a member of the City Council's Finance Committee which reviews the City Budget, said he would continue to press the city to re-evaluate its cultural priorities and, specifically, to include operating subsidies for MOMA in the 1974-75 Expense Budget. "If MOMA received

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only 5% of the Met's annual allocation, it would be able to meet P.A.C.T.A.'s wage demands and then some."

The disputed policy issues, Burden continued, were "as important as the economic questions from the point of view of the Museum's future."

The Councilman said he strongly supported the demand by P.A.C.T.A. that one elected staff member be made a member of the Museum's Board of Trustees."

"The staff of a museum is much more than the hired help; they have a legitimate right to participation in museum policy, and the Museum's Board will be strengthened, not weakened, by including a staff representative."

Noting that MOA's Board had been expanded in recent years to meet demands for more minority and women members, Burden stressed that staff representation was now "the first priority in reshaping the role and responsibilities of MOA's Board."

"These and other disputed issues," Councilman Burden concluded, "can best be resolved by submitting them to an impartial fact-finding panel. Unless both parties demonstrate the flexibility and good faith necessary to bring about such a resolution, irreparable damage will be done both to the Museum itself, and to the morale and well-being of its entire staff."

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

1 November 73

Mr. Richard Oldenburg
Director
Museum of Modern Art
11 West 53rd Street
New York, New York 10019

Dear Mr. Oldenburg:

This is in response to your letter of October 30, addressed to our attorney I. Philip Sipser, regarding the Professional and Administrative Staff Association of The Museum of Modern Art's generous offer to return to work, contingent upon your agreement to submit the issues at question to a fact-finding panel empowered to make non-binding recommendations. We find your arguments both illogical and deliberately obfuscating.

Your preference for returning to negotiation and mediation sessions would be more understandable had such procedures over the past four months not brought us to the present deadlock. The Mediator, Solomon Kreitman, himself expressed the opinion last week that an impasse had been reached, and the Union's offer was made precisely to move beyond the type of discussions that had so far reached an apparent deadend. Your refusal to accept this offer is a clear indication that you are more interested in prolonging a stalemate than in finding a way out of it.

As you rightly state, in the past direct negotiations yielded highly constructive results for both the Union and the Museum. We point out, however, that you yourself had contributed importantly to these achievements by your own active participation -- from which this time, in spite of all entreaties, you have steadfastly abstained. We can only conclude that you are under orders from your superiors not to yield to any temptation to be

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Mr. Richard Oldenburg

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1 November 73

swayed by logical arguments of the sort that previously you found persuasive.

You have chosen to declare that the present impasse relates solely to our conflicting positions on challenged titles. You gloss over the many issues in the demand letter itself, concerning which the Museum has made virtually no move to budge from its predetermined positions since the bargaining sessions began in June: principally, minimum salaries, across-the board increases, and policy participation, and pension.

If you are so convinced of the rightness of your position regarding the disputed titles, we cannot understand why you are not willing, as the Union is, to submit the arguments pro and con to a fact-finding panel which would give its opinion, rather than a ruling. Above all, we wonder why you regard members of such a panel as "outsiders" who would be any less qualified to make recommendations on the Museum's internal structure than members of the State Mediation Board or the National Labor Relations Board.

You give away the secret of your own intransigence by saying that "outsiders . . . would be seeking to compromise the issue." Obviously there can be no meaningful good-faith bargaining without some willingness, on both sides, to compromise.

We are forced to conclude that the Museum's real purpose is not to end the strike, but rather to prolong it, hoping to starve the Union into submission. Your prophecy that members of the Union now on strike would soon begin to "trickle back" has already proved false; we can only assure you that the refusal of our offer to return to work has only hardened, not weakened, our determination. Your expressed wish to have "employees . . . return to work without the continuous distraction of unsettled issues" is belied by your refusal to allow them to do so pending recommendations by a fact-finding panel. This rejection of our offer we can only regard as equivalent, if not legally, at least morally, to a lockout.

Sincerely,

Joan Rabenau

Susan Bertram

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(Important memo.)

The Museum of Modern Art

*(PLM's
copy.)
(PASTA)*

To The Staff

From Richard E. Oldenburg *REO*

Date October 30, 1973

Re PASTA Negotiations

In accordance with my promise to keep you all fully informed on the status of negotiations, attached are copies of the latest exchange between the Union and the Museum: a telegram received late yesterday morning from the Union's legal counsel and my reply after careful consideration of all the implications.

REO/es

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The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019 Tel. 956 6100 Cable: Modernart

Office of the Director
Tel. (212) 956 7502

MOMA
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October 30, 1973

BY HAND

I. Philip Sipser, Esq.
Sipser, Weinstock, Harper & Dorn
380 Madison Avenue
New York, New York 10017

Dear Mr. Sipser:

It is encouraging that those of the Museum's employees who are on strike have offered to return to work, but I regret that we cannot accede to the condition which you have attached. I must decline your proposal to submit the outstanding issues to a third party rather than permitting us to continue negotiations and mediation to complete the collective bargaining process begun four months ago. As you know, direct negotiations have in the past resulted in contracts which both the Union and the Museum can justifiably claim to be among the most progressive to be found in any cultural or educational institution. I firmly believe that seeking the recommendations of outsiders would be to abdicate the joint responsibility of the Union and the Museum to resolve our differences ourselves and would irrevocably undermine our ability to resolve future differences through collective bargaining.

Moreover, as you are well aware, the impasse between the Union and the Museum has been created by the Union's demand that supervisory positions be added to the bargaining unit and become subject to the Union's jurisdiction. As I expressly notified the entire bargaining unit prior to the strike, I am not prepared to relinquish the Museum's legal right to exclude supervisors from the bargaining unit and do not consider this issue subject to compromise. Nothing would be gained from the recommendation of outsiders who have no responsibility for living with their decision, and who obviously would be seeking to compromise the issue.

I can only reiterate the suggestion we have made repeatedly during the past two years that if the Union desires the view of a third party on this issue, it seek a ruling from the National Labor Relations Board, the agency charged by Congress with primary and exclusive jurisdiction for resolving questions of this nature.

(continued on page 2)

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page 2

I hope the Union will agree quickly to resume the mediation process undertaken by the State Mediation Board and that a contract can soon be reached so that our employees can return to work without the continuous distraction of unsettled issues.

Sincerely,

Richard E. Oldenburg
Director

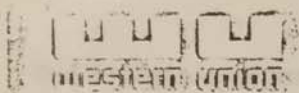
REO/es

cc: Governor Nelson A. Rockefeller
Mayor John V. Lindsay

J. EDGAR HOOVER
Director, FBI
Washington, D.C.
New York, New York 10013
202-452-2111

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Telegram

NO WDS - CL OF SVC	ID OR COLL	CASH NO	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A MESSAGE UNLESS OTHERWISE INDICATED	PRESS DPR NPR	OVER NIGHT TELEGRAM
			SIPSER, WEINSTOCK 380 Madison Avenue, NYC 10017			

Send the following message, subject to the Telegraph Company's conditions, rules and regulations, which are on file with regulatory authorities.

ACCOUNT NO. CNY107408

October 29, 1973

MR. RICHARD OLDENBURG
MUSEUM OF MODERN ART
11 WEST 53RD STREET
NEW YORK, NEW YORK

ON BEHALF OF THE PROFESSIONAL AND
ADMINISTRATIVE STAFF ASSOCIATION WE OFFER TO RETURN
TO WORK IMMEDIATELY UPON YOUR AGREEMENT TO SUBMIT
ALL OUTSTANDING ISSUES BETWEEN US TO A FACT-FINDING
PANEL TO BE SELECTED BY MUTUAL AGREEMENT AND EMPOWERED
TO MAKE NON-BINDING RECOMMENDATIONS TO THE PARTIES.

I. PHILIP SIPSER
Attorney for PASTA-MOMA
380 Madison Avenue
New York, New York 10017
867-2100

cc: Governor Nelson A. Rockefeller
Mayor John V. Lindsay

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

TO: Richard Oldenburg

FROM: PASTA Negotiating Team

DATE: 5 October 73

RE: Your memo of today's date on "Negotiations with PASTA"

The members of the Professional and Administrative Staff Association of The Museum of Modern Art are deeply shocked by the memorandum on "Negotiations with PASTA" which you today distributed to all the staff. We were prepared for the fact that you, on behalf of management, might take a hard-line position, according to what you considered to be in the best interests of the Museum. We were not prepared, however, for you to adopt divisive tactics or lend your name to statements that are not only misleading but, in some instances, completely false.

Your initial argument is that the Association has emphasized wage issues in its public statements, while giving "top priority" to the issue of challenged titles, and that "This is the issue on which we have in fact reached an impasse".

Our "public statements" to date have included:

- 1) A Fact Sheet dated September, 1973: This was confined to contract issues only and therefore did omit the question of disputed titles. On the other hand, it stressed not only wages, but also our demand for participation in policy-making by representation on the Board of Trustees and its Committees. This has continued to be one of the three key points we have emphasized -- but, curiously enough, this is not even mentioned in your own lengthy memorandum!
- 2) A long analysis called "Issues and Answers Regarding the Current Contract Negotiations" dated September, 1973. Apparently you have either neglected to read this document carefully or have deliberately chosen to overlook the fact that paragraph three of the Note on the cover sheet is devoted exclusively to the question of challenged titles.
- 3) The leaflet handed out at the demonstration on October 4, headed "PASTA/MOMA? PASTA MOMA!" Out of the lengthy list of items in the contract which we might have enumerated, we singled out two: The across-the-board increase together with raising of the minimum wage, and the question of participation in policy-making -- regarding which your memorandum is so notably silent. The third item was that of the non-contract issue of the "disputed titles".

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Richard Oldenburg
Page 2

In addition, in interviews with the press, the disputed titles have been discussed together with other demands. Your implication that we have been concealing from the public the importance of this issue to us is therefore completely without foundation.

Even more insidious is your deliberately divisive, pious "hope that the many members of the bargaining unit who would not be affected by agreement on this issue, much less benefit from it, really do assign it the priority put forward by the union leadership" (*italics ours*).

Your clear implication is that the leadership has been misleading the rank and file on this. Nevertheless, you hold in your hand a memorandum advising you that a strong resolution supporting the negotiating team in pressing on with the question of the challenged titles was passed by the membership of the Association on August 7. The fact that the union would benefit by retaining in its bargaining unit some of its earliest founders, most senior members, and strongest supporters has been repeatedly made clear in subsequent meetings and in the "teach ins" held with groups of employees to inform them of the issues at stake. Moreover, we assume that they have read our public statements more carefully than you seem to have done. They understand fully that the Administration is deliberately seeking to weaken the union by excluding these titles, and that still others besides the sixteen currently involved might be lost as they were promoted to higher titles. They further know that by excluding the widest possible group of titles from coverage under a union contract (including a job security provision), you are allowing yourself increased freedom to effect reorganizations and dismissals, and they believe that the standards for the fair treatment of professionals set in our contract should be extended to our colleagues holding titles now in dispute.

You state that "It should be obvious that an institution as large and complex as this cannot be administered properly without recognition of supervisory responsibilities at levels other than simply those of the Director and department heads". Management now includes at least forty individuals -- to which you now propose to add another sixteen! As you know, most of those now holding exempt titles are not department heads. Something must be wrong with management and its efficiency if it cannot run the Museum with thirty percent management, as against seventy percent in the bargaining unit.

As a matter of principle we have not asked for a union security provision, and not obligated anyone to be a member of the Association. You, in contrast, have adopted a "technical and formal" argument, one which does not apply to the actual conditions that obtain at MOMA, in order to prevent us from representing those who freely choose to join the Association.

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Richard Oldenburg
Page 3

What has been granted to other bargaining unions (as well as nonunion and management personnel) is beside the point. As regards the other unions, they have a longer history than we of negotiating contracts and therefore had already achieved certain benefits long before the time of our initial contract. In addition, many of those union members can supplement their base pay by overtime, which the Museum denies us on the grounds that we are "professionals". As regards nonunion and management personnel, we can only point out that, with the current inflationary economy, it is somewhat easier for persons earning from \$15,000 to \$50,000 to struggle along with a mere 5½% increase than it is for those earning from \$6,100 up to \$15,000.

The union has indeed not been willing, in this continuing highly inflationary economy, to accept a two-year contract, unless the Museum can better its 5½% per annum offer and up the minimum. The rise in the cost of living plus added deductions for Social Security means that gains made in last year's reopener have already been more than wiped out, so that in real purchasing power the majority of our bargaining unit members are worse off that they were in July, 1972. In the face of this, they can hardly be expected to project a still smaller cost of living increase for the current fiscal year and the one to follow.

We regret that you have not attended one negotiating or mediating session thus far. If you had been present, you would know what the issues truly are, and perhaps would be less willing to mislead the staff as to the real matters that divide us.

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(Monday - 10 AM.)

The Museum of Modern Art

10 AM

Garden

To Office Staff
From Richard E. Oldenburg
Date October 26, 1973
Re Staff Meeting

I should like to report to you personally on the present status of negotiations, and I am therefore calling a staff meeting next Monday, October 29, at 10:00 A.M. The meeting will be held in the Garden Restaurant, to avoid a conflict with a previously scheduled conference upstairs.

Unfortunately, I shall probably not be able to report any progress, but I want very much to keep you all as fully informed and up to date as I can. I also look forward to an opportunity to express to you directly my deep appreciation for your fortitude and your help in keeping the Museum open to serve our public despite the strike.

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noted TLH -

The Museum of Modern Art

To The Staff
From Richard H. Koch
Date 10 October 1973
Re PASTA Strike

Amending my memorandum of yesterday regarding the procedures to be followed during the current PASTA strike:

Staff members who are coming to work may enter the Museum, beginning tomorrow morning at 8:30, through the main entrance of the 11 Building or through the 54th Street loading dock, as well as through the 21 Building. Immediately after coming in, however, everyone should be sure to go to the 21 Desk and sign the register, noting the time of his arrival.

The same three entrances may be used at lunchtime and -- after signing out at the 21 Desk -- for departure in the evening, for which purpose the 54th Street dock will be kept open until 5:30. Outgoing parcels of any type will be subject to inspection unless they are covered by a pass signed by a Department Head.

The foregoing does not modify the standing rule that pickets are not to be permitted to enter the buildings at any time.

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 955-6100 Cable: Modernart

MOMA
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PASTA

TO OUR VISITORS:

The Museum deeply regrets any inconvenience caused its members and the general public by the current strike of professional and administrative staff represented by Local 1, Museum Division, Distributive Workers of America. The contract with this union expired on June 30, and collective bargaining negotiations, as well as formal mediation efforts, have unfortunately failed to achieve a settlement.

Agreements were successfully concluded with the Museum's five other unions. With these contracts in effect and with the assistance of supervisory and other non-union staff members, the Museum's galleries and Sculpture Garden, as well as its restaurant facilities and lobby bookstore, are fully open to the public. We regret that a temporary disruption of our film program has been unavoidable.

The Museum remains ready to resume negotiations with the striking union upon the call of the State Mediator. However, the sides are presently far apart on some major issues, not only of money but of policy.

Thank you for your understanding and continued interest in the Museum.

Richard E. Oldenburg
Director

(Oct 23, 1973)

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NEW YORK, N. Y.
NEWS
D. 2,125,181 - S. 2,978,270
NEW YORK CITY METROPOLITAN AREA

OCT 21 1973

OCTOBER 21, 1973

Money Crisis Threatens Museum of Modern Art

By DAVID OESTREICHER

JUST IN case you are ever offered the job of director of the Museum of Modern Art, you should know that the position carries some sensational fringe benefits.

First of all, the location is terrific. Midtown Manhattan, just west of Fifth Ave. on 53d St. And you'll get a comfortable office with a nifty fifth floor view through ceiling-high picture windows.

But the real beauty part is that when the matter of office decorations comes up, you will be invited down into the vaults to take your pick of paintings, drawings, photographs and sculptures. The museum has about \$2,000 of them, and it is the finest collection in the world.

Now for the bad news. The museum has a recent history of serious labor strife, including strikes and strike threats, and the job isn't all that secure.

The museum has big money problems—so big that, at the worst, it may have to close its doors in the not so distant future or, at the very least, curtail some of its diverse and truly wonderful services and activities.

Richard E. Oldenburg, the current occupant of that fifth floor office, makes no bones about the financial crisis. But the overall impression is one of progress and more innovations from a unique, important institution that is now well into middle age.

The museum is going to kick and struggle its way through hard times and persevere, if Oldenburg has his way.

Oldenburg the Optimist

There is something about the demeanor of this tall, blond, Swedish-born, 40-year-old Harvard man with a deep, resonant voice that smacks of determination and ultimate success. Despite the money malaise and dark predictions by others that the museum is going under, Oldenburg is an optimist and looks to better days ahead.

Why, one may ask, is an institution whose trustees include multi-millionaires, in a bind? After all, the roster of trustees lists such big names as David and Nelson Rockefeller, John Hay Whitney, Mrs. C. Douglas Dillon, Gustave L. Levy and Mrs. Edsel B. Ford.

The answer is that the museum just isn't structured to depend for survival on the beneficence of a few wealthy people. It is true that large contributions got the museum off the ground 44 years ago and there have been big donations since then.

The museum's endowment has grown to \$18.5 million. But that is small potatoes as museums go. The endowment for the Metropolitan Museum of Art, for instance, is \$155.4 million. That for the Cleveland Museum of Art is \$87.5 million and that for the Boston Museum of Fine Arts is \$65.8 million.

More important, the Museum of Modern Art receives no city funds.

"We seek broad support," Oldenburg says. "From government, from large donors, from the public at large and, most importantly these days, from corporations."

The First Director

Much of the museum's success must be credited to Alfred Barr, its first director. Barr, now 71, recognized the giants of modern art in the 1920s before it was widely fashionable to do so. He traveled Europe, and purchased at bargain basement prices the work of Cubists, Futurists, Constructivists and Dadaists.

The museum's vaults and galleries were filled by Barr with the art of Matisse, Picasso, Cezanne, Serat, Van Gogh and Gauguin.

"But it was not a simple orgy of collecting for the sake of collecting," Oldenburg says. "Barr sought a truly representative panorama of modern art with works that would illustrate each phase of a particular artist or school."

The genius of Barr continues to this day in the museum's philosophy. He is an honorary trustee for life and remains the museum's guiding spirit.

With so many priceless treasures now in hand why doesn't the museum sell some off to alleviate the money crisis?

That would be not unlike the homeowner who begins to sell his furniture to meet the mortgage payments. He may eventually reach the point where he is literally chopping up chairs and tables and ripping the shingles off the roof for firewood.

The money squeeze which led to a strike of its staff members threatens to close Manhattan's famous Museum of Modern Art, or at least to curtail its many activities and facilities, such as the popular sculpture garden where Gaston Lachaise's bronze figure, "Standing Woman," is on view.

The museum does indeed enter the art marketplace, but only to "trade up" for a particular work that is needed, as Oldenburg puts it, "to fill a gap in the history of modern art."

As for auctions, Oldenburg or one of his representatives is rarely—if ever—seen among the bidders at such sales.

"We just don't have the wherewithal," he says, "in this age of inflated prices."

It is a fact of life that the dollar buys less art today than it did in Barr's time of acquisitions, and that many great American and European paintings are leaving the United States in the hands of Japanese and Germans whose yen and deutsche marks now command international respect.

Part of the museum's problems stem from the multi-department concept which Barr fostered.

As for modern art, the museum has in fact two museums—one for the so-called "old masters" (Picasso, Cezanne, etc.) and the other for new people who burst on to the scene in the 1950s—such artists as Andy Warhol, Jackson Pollock and Oldenburg's brother, Claes, who immortalized in oil mundane objects like the deluxe hamburger and the ice cream cone.

Collection of Services

But there is far more. The museum has a collection of architectural, industrial and graphic design, thousands of photographs, movie library that has no equal, a national program of circulating exhibitions and an international program that has sent the museum's treasures to thousands of cities in hundreds of countries.

Locally, the museum sponsors a children's art carnival in Harlem that has touched the lives of thousands of underprivileged youngsters in schools, community centers and headstart groups.

The museum supplies slides, books and other visual arts materials to school teachers planning excursions for their pupils so as to make the "day at the museum" more meaningful and encourage return trips as the children grow into adults.

Some of these services could be curtailed—and may have to be—if the financial situation is not turned around.

"It's a matter of arithmetic," Oldenburg says. The museum had an operating deficit of \$462,000 in 1967-68. It doubled the next year, rose to \$1.2 million in 1969-70 and has leveled off in recent years to about \$1.5 million.

In the cold words of the museum's annual report, "operating deficits were funded by transfers from the endowment and development funds." That means that the museum's foundation is being eroded.

Major emphasis, Oldenburg says, is being placed on getting more corporations to support the museum through long-range donation programs. That avenue has been moderately successful: the Mobil Foundation makes possible the museum's Summergarden, an outdoor exhibition of sculpture. Exxon and Alcoa are among a long list of corporate patrons. More are needed, Oldenburg says.

Government, he says, should also play a greater role in museum support.

Through Albany legislation, the New York State Council on the Arts has been kicking in major funds. Last year, the council funneled \$210,000 into the museum's bank account and \$100,000 of that amount was earmarked for certain salaries and operational costs.

Federal Money Helps

The federal government, through the National Endowment for the Arts, has helped fund specific exhibitions. The Nixon administration, despite criticism for penny-pinching, has done more for the arts than any of its predecessors.

In reappointing Nancy Hanks, the other day, as chairman of the National Council on the Arts, President Nixon pointed with pride to the fact that in her first four years of service she was "able to get a 900% increase out of Congress" in funds for the arts.

In August, the Museum of Modern Art took a step that it had avoided for three years. The admission fee was increased by 25 cents to \$2—the highest for any museum in the nation.

"It was unavoidable," Oldenburg says. "But the increased admission will only partially help to offset the expenses of the museum's functions and services, which average out to more than \$5 per visitor."

The fee increase does not apply to children under 16, senior citizens and school groups, and the museum is maintaining its "pay-what-you-wish" day on Wednesdays.

For the future, Oldenburg predicts the time when museums like his will flourish and expand.

"We need to have more cooperation among museums in exchanging their art and expertise," Oldenburg says. "There is too much jealousy these days among curators. Above all, we need to become more receptive and responsive to the will of the public."

Throughout its history, the Museum of Modern Art has been ridiculed, demonstrated against and editorially castigated with more vehemence perhaps than any other American institution. But it has survived, and had far-reaching effects on taste around the world.



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The Museum of Modern Art

To The Staff
From Richard H. Koch
Date October 9, 1973
Re PASTA Strike

Notwithstanding the current Staff Association strike, the Museum will remain open to the public and all aspects of our program will remain in operation. All of the non-striking unions (Locals 30, 32B, 89 and 306) have honored the no-strike clauses in their respective contracts, and we expect all their members to come to work as usual. We also expect all other employees who are not members of the Local 1 bargaining unit to come to work. Members of Local 1 who wish to come in to do their regular work, or to volunteer for other duties, are welcome indeed to do so.

Striking members of Local 1 are not to be admitted to the Museum without the approval of their Department Heads or of the Director of the Museum or the Director of Administration.

Except for those who may be travelling on official business, or who are away on previously scheduled vacations, absentees may be asked to produce doctors' certificates in the event that they claim to have been ill.

On weekdays, from 8:30 until 5:30, employees should come in through the entrance at 21 West 53rd Street. Beginning tomorrow, everyone will be asked to sign the register maintained at the 21 Desk each time he enters or leaves the Museum. During the strike, staff cards will not be honored at the lobby entrance.

Keys for high security areas will be kept as usual at the desk in the Main Lobby. Those authorized to draw these keys should pick them up after entering through the 21 Building.

On weekends and at night, when the 21 Building is closed, admission to the Museum will be through the lobby of the 11 Building. Everyone should sign in and out at the Lobby Desk.

Messengers making deliveries should leave them at the 21 Desk unless the Department to which they are addressed can send someone to meet the 21 elevator at the 4th or 5th floor. Films and other material which would normally be delivered to the 54th Street loading dock but which are brought to the 21 Lobby or to the Lobby Desk should be accepted there, and the appropriate department notified by telephone.

Extraordinary expenses attributable to the strike will be charged to account number 1025.

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

To: Staff Association Bargaining Unit

From: Program Committee and Negotiating Team

Date: October 8, 1973

During the past eleven weeks, the Staff Association has been in negotiations with the Administration of the Museum over a range of issues that have arisen or been pending since our first contract was written some two years ago. During the past two weeks, we have invited you to attend a series of small information meetings so that we might inform you of the progress of those negotiations and ask your opinion on the matters under discussion. In addition, we hope you have availed yourself of the opportunity to read the analysis of the negotiations compiled in the document "Issues and Answers Regarding our Present Contract." This has been made available to every department, and in the event that some of you have not seen it, there are a limited number of copies available from Maureen Kearney in Bookstore I. There we have provided a complete report of all matters in which agreement or disagreement on issues has been reached. To our dismay, most of our requests have been flatly rejected by the Administration without even a counterproposal for our consideration.

In all meetings of the Association and in those small information meetings we have specified that three major issues have divided us: first, the minimum wage at the Museum; second, membership on the Board of Trustees, and third, bringing the challenged titles into our bargaining unit.

Since the beginning of negotiations, the Administration has placed only one offer of a wage increase on the table -- a 5 to 5 1/2% increase across-the-board. From the beginning we have stated that this is unacceptable and noted that the cost of living in the city has gone far beyond this figure and indeed has made it impossible for anyone working at the bottom salary of \$6100 to make ends meet. No further counterproposal was made by the Administration until well into September, when that original proposal was amended to bring the starting salary to \$6400, less than 5 1/2% above the previous figure of \$6100. For all but a few persons, the original offer remained. We have been told that "management" at the Museum has also received a 5 1/2% increase across-the-board and can only point out that 5 1/2% of \$15,000 or \$25,000 or \$35,000 is a far cry from the dollar figure for someone receiving 5 1/2% of \$6100. The payroll of our bargaining unit of 170 persons amounts to \$1,200,000 while the payroll for the 40-odd persons

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in so-called managerial positions is almost \$1,000,000. The average per capita increase for our bargaining unit is \$380 while the average for managerial personnel would be \$1,061.

We have emphasized the unacceptability of the Administration's offer again and again -- and were greeted on Friday of last week with a memorandum from the Director, Mr. Oldenburg, in which he stated that the only issue dividing us was that concerning challenged titles. Much to our surprise he has ignored still another matter of great interest to us. In a time when faculty members and students in universities and colleges have achieved representation on boards of trustees, we have asked that one staff member be elected to the entire board and that representatives of the staff be elected to several of the trustee committees. This is not a frivolous request. We believe that responsible staff representation will bring to the board of trustees something that has been lacking in expertise and freshness of viewpoint that can only prove valuable to the Museum. At the Administration's request a lengthy letter was sent to Mrs. John D. Rockefeller 3rd outlining the reasons why we seek membership and why we believe it valuable to the Museum. Although we were told it was an excellent letter, the response across the bargaining table was a flat rejection.

The third matter, that of determining the fate of the challenged titles, was raised by the Association at the beginning of negotiations. At that time there was general agreement on both sides of the table that a rapid settlement of this issue would be valuable for both Museum and Association. To our suggestion that a neutral outside arbitrator be asked to settle the question came the response that the Museum was unwilling to let an outsider make this decision. The possibility of settling the matter through hearings before the National Labor Relations Board was discussed, and both sides realized what a long, expensive proposition such a solution would be. As you know, a great many persons holding these disputed titles have been members of the Association since its inception. They have been instrumental in writing the demands on which our first contract was formulated. Their understanding and experience, advice and participation is essential to the Association: their inclusion affects all in the unit, not as the Administration claims, "just a few."

We believe, too, that persons in those jobs deserve the same benefits accorded each and every person in the bargaining unit, not excepting job security. Further, we wish to stress that the Association has no obligatory membership. The union shop provision was not requested either in our negotiations for the initial contract or in the recent round of talks. The Staff Association is composed only of those persons who have chosen to be members. Many of the persons in the disputed titles want to have that choice.

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These matters are of paramount importance not just to a handful of persons but also to the entire staff. The Association has made only the most reasonable requests in these negotiations, which, regrettably, the Administration does not recognize. If a strike does occur we hope that your interests are in harmony with those expressed here. If you cannot join the Association in this effort, we hope that you will not actively harm its purpose. Entering the Museum during the strike is not taking a neutral position: it is undermining all of the efforts that have so far successfully been made by your colleagues on your behalf. It is our hope that this situation will never occur again.

We have attached our response to Richard Oldenburg's memo for your information.

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

Department of Public Information

4 October 1973

The administration of The Museum of Modern Art is now in contract negotiations with the staff union and will do everything possible, consistent with the best interests of the Museum as a whole, to avoid a strike. In the event that a strike should take place the Museum wishes to assure its members and the public that the galleries will be kept open and the program of events will proceed as scheduled. The Museum has separate contractual agreements with four unions representing other staff members who, with members of the supervisory staff, will accommodate visitors and ensure the safety of the works of art in the galleries.

Richard E. Oldenburg
Director

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Pasta 1973 *Oct 1-1973*

The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

STAFF DEMONSTRATION AT THE MUSEUM OF MODERN ART

Members of The Professional and Administrative Staff Association of The Museum of Modern Art (PASTA/MOMA) will assemble in front of the Museum, 11 West 53 Street, at NOON, Thurs., Oct. 4. The purpose of the demonstration is to tell the public that the Staff Association does not want to be forced into a strike by the Museum Administration's failure to bargain in good faith on contract demands.

Negotiations were mutually terminated after 11 sessions, in which the Museum offered no acceptable compromise regarding three major issues:

- 1) A substantial across-the-board increase and raising of the minimum wage (now \$6100.).
- 2) Inclusion in PASTA's bargaining unit of certain senior titles, which management claims are supervisory and therefore ineligible.
- 3) Meaningful participation in policy making, through inclusion of one PASTA member on The Board of Trustees and on 7 of its committees.

A member of the State Mediation Board is now attempting to resolve the impasse.

On Mon., Oct. 1, the membership authorized a strike unless the current efforts to arrive at an acceptable contract are successful by Mon., Oct. 8.

Additional information: Martha Beck, Press Committee
(956-2663; home phone GR 3-4918)
Susan Bertram, Chairman, Negotiating Team
(956-5914; home phone 799-8340)
Joan Rabenau, Chairman, PASTA/MOMA
(956-4217; home phone 677-4490)

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

TO: Richard Oldenburg

FROM: Joan Rabenau

DATE: 3 October 73

RE: Disputed titles

At its meeting on August 7, the Professional and Administrative Staff Association of The Museum of Modern Art unanimously passed a resolution strongly supporting the efforts of its negotiating team to obtain full recognition of the currently disputed titles as bonafide members of its bargaining unit.

We regard the Administration's stand in claiming these challenged titles as "supervisory" as part of a continuous pattern of an attempt to weaken the Association, by diminishing its numbers and removing from its bargaining unit some of its senior members, who from the beginning have been among its strongest supporters. This seems particularly reprehensible in view of the fact that, in accordance with its democratic stance, the Association has never attempted to institute a closed shop, thereby forcing all members of its bargaining unit to join the Association. We believe that ultimately it is the Museum itself that will be weakened by divisive tactics leading to a stratification of the staff and polarization among its employees.

The Constitution of the Association states: "The purposes of this Association are to provide a forum for the expression of ideas among the members of the staff; to establish a constructive body that will have a voice in matters that concern and affect the Museum; to improve the economic, professional, and physical working conditions; and to assure that equal opportunities are available to all. The Association believes that in promoting these goals it will enable the Museum to undertake and pursue activities beneficial to the Museum's members and to the community and better fulfill 'the purposes of encouraging and developing the study of modern arts' originally set forth in its Charter." The Constitution excludes from membership in PASTA MOMA only heads of departments, the Assistant Treasurer, and the Assistant Secretary to the Trustees, on the grounds that they already have a voice in the program and policies of the Museum, and that their membership in the Association might constitute a conflict of interest.

Our desire to have a constructively oriented, democratic, and broadly based Association has consistently been thwarted by the Administration's insistence in treating PASTA MOMA as if it were just another old-line type of union, with traditionally narrow aims. Whereas we have never

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believed it possible to dissociate our interests from those of the Museum as an institution, and, like university faculty unions, have constantly sought fruitful cooperation to that end, the Administration has repeatedly forced us into assuming an adversary "management vs. labor" stance.

As regards the titles currently in dispute, beyond stubbornly maintaining that it regards all the positions in question as "supervisory", the Administration has not come up with any convincing criteria against which such a claim might be objectively tested. The Administration is well aware that, while many department heads are only too willing to let others take over day-to-day administrative chores (frequently enabling them to absent themselves for prolonged periods), none of them would be willing to relinquish one jot or tittle of his "managerial prerogatives" with respect to deciding questions of policy, program, budget, or staffing. In the long run, therefore, the Administration is taking a position as indefensible as alleging that the responsibilities of a baby-sitter can be equated with those of a parent! In the case of one Curator, the Administration has attempted to "prove" that he was "supervisory" because of orders he gave regarding a particular exhibition -- when, obviously, he was acting solely in his capacity of director of the exhibition in question.

The disputed titles are held by their incumbents solely on the basis of their professional qualifications. It is absurd to confuse this status with alleged managerial functions that, in point of fact, they do not exert.

Counter to the Association's desire to establish a structure in which the voices of all levels of the Museum's professional and administrative staff might be heard, the Administration has instead chosen to set up a hierarchical system. Whereas the previous Curatorial Council comprised a wide segment of the staff, only those who exert supervisory functions as heads of departments, or sections thereof, are currently invited to attend the periodic Directors' meetings. Meanwhile, those holding the disputed titles are completely disenfranchised, since they are debarred both from these meetings and from the Association's bargaining unit.

The Administration must recognize that PASTA MOMA has adhered to its high purposes by pressing for many long-overdue reforms in the Museum's practices and negotiating for provisions that have benefited the entire staff, not only those in its bargaining unit. (It is unfortunate that those holding "supervisory" positions, who had a voice in formulating the Museum's policies and programs did not exert their leadership by seeking such goals.) While the Association has never forced any member of the bargaining unit to join the Association, even though benefiting from provisions won through negotiations, it has continued to welcome to its ranks any and all members of the staff (except those excluded by its Constitution), even though they may have been adjudged "supervisory" and hence cannot hold office or be represented in negotiations.

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With regard to the individuals occupying the disputed titles, the Administration of course realizes that they include many of those who were most instrumental in the formation of the Association, and who have been invaluable in guiding its policies and fighting for its principles. Whatever the outcome, we know that they will continue to identify themselves with PASTA MOMA, which of course will still turn to them for the advice, counsel, and moral support that their seniority and experience can provide.

In the light of these facts, is the Administration really pursuing a wise course in holding them as unwilling hostages? We believe such intransigence can, in the long run, lead only to bitterness and resentment -- on the part both of the individuals concerned, and of the Association's membership as a whole.

cc: Mrs. John D. Rockefeller 3rd

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF OF THE MUSEUM OF MODERN ART
IS ON STRIKE!

Please do not patronize the Bookstore.

Though the Museum is a non-profit institution, last year its Bookstore earned \$776,760.

BUT

Clerks in the Bookstore earn \$88 take-home pay a week.

Authors of books published by the Museum do not get one penny of royalty for books distributed to Members. In many cases, this amounts to one half of the entire edition printed.

You will find a large supply of art books and objects at the following nearby bookstores:

DOUBLEDAY BOOK SHOP	Fifth Avenue at 53 St.
DOUBLEDAY BOOK SHOP	Fifth Avenue at 57 St.
RIZZOLI INTERNATIONAL BOOKSTORE	Fifth Avenue between 55 & 56 St.
SCRIBNERS	Fifth Avenue at 48 St.
BRENTANO'S	Fifth Avenue at 46 St.
HACKER ART BOOKS	54 West 57 St.

Further uptown, near The Metropolitan Museum of Art and the Whitney Museum of American Art:

WITTENBORN ART BOOKS	1018 Madison Avenue (79 St.)
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Please do not enter the Museum or patronize the Bookstore during the strike.

Help us win a living wage!

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perform a function unlike the counterpart in another department. Secretaries could be assigned curatorial assistant duties, and curatorial assistants could work as assistant curators. The Museum offered 20 varieties of assistant titles, such as administrative assistant, archival assistant, curatorial assistant, exhibition assistant, etc. Because job descriptions had not been written, the responsibilities of each title were undefined.

This situation probably does not sound totally unfamiliar to many museum employees. After the union contract (and it is a long, hard step between the conception and the realization) the people at MOMA had job descriptions, automatic promotional review, posted staff vacancies, and they were informed of policy or program changes well in advance of implementation. They also won the more traditional union benefits of grievance procedures, pension and health benefits. Professional staff members were given half a day each week for gallery visits and other inter-museum business. They receive tuition reimbursement, research leaves and have some voice in policy. They also feel that they have made new friends, have a better understanding of museum activities and a generally increased sense of responsibility and participation in their work. Very much of what has come about at MOMA has also resulted at The Minneapolis Institute of Arts where the union and management find co-existence not only tolerable but mutually beneficial. The question period of the general session was lively, and it was unfortunate that it could not have been extended as was suggested.

The workshop had the same participants as the general session with the additions of Gary Sherman from the union at MIA and John Conger, manager of personnel at the Met. This meeting dealt more specifically with the practical problems of unionization, including membership regulations and funding.

The whole subject of staff associations and museum unions has barely begun to be discussed. It was especially important at these sessions, in contrast to others held on the same subject, that the unions had the opportunity to present their side of the issue. It was clearly not a hypothetical issue, but a very real one, a new approach to museum employment policies which needed to have both sides discussed, and as we could all hear, that is what happened.

Lynn Traiger,
Assistant to the Director
Wadsworth Atheneum

Equal Employment Opportunities

I should preface this report by saying that a week after the Annual Meeting I remembered very little about the individual sessions and a great deal about the general sense of frustration and desire to change the nature of the meetings. At the "gripe" session on Wednesday, someone noted that the most interesting and valuable infor-



Native Americans gather outside the Milwaukee Public Museum for a special presentation.

mation had come from speakers outside the museum field; one of those speakers was John Corrigan.

As Corrigan began to speak, I noted that the hall was half empty. The audience represented the lower echelons of the museum hierarchy—mostly younger—and few were the hirers and firers, much less the makers of museum policy. As the talk progressed, the hall filled with more people who were representative of museum administrative areas, but at no time were the people who might be able to effect Corrigan's suggestions a part of the audience. That has been generally true of AAM Annual Meetings, a fact that was pointed out in the question and answer period later that afternoon.

I came away from the session engulfed by depressing facts: "In the United States in 1972, of all jobs paying \$15,000 a year or more, 96% were held by white males, 4% were held by women and minorities." He noted that the title of his presentation, "Beyond Prejudice," was somewhat misleading, that it implied we were in some kind of post-prejudice period. He wanted

to make clear that "equality is still a long way off" and that he wanted to deal with action to be taken once our institutions have gone "beyond prejudice."

Corrigan attributes much of the present situation to what he called "institutional prejudice," that is, the unconscious and unintentional mechanisms by which minorities and women have always been subordinated in our institutions. He noted that since the Griggs Case, which was decided by the Supreme Court in 1971, not just overtly discriminatory acts can be construed as unfair, but also those which in effect discriminate, i.e., "those which are fair in form but discriminatory in practice."

He traced the psycho-historical roots of "institutionalized prejudice" against minorities to several factors: the expansion of the nation ("The first racist act in America was the death of a native at the hand of an emigrant.") and the institution of slavery ("... for 250 years it was probably the most brutal and dehumanizing institution created by man. ... The slave was legally defined as 3/5 of a man."). The present attitudes toward women, he attributed to ancient times when women were defined as chattel, a definition which found reinforcement first in our religious institutions and later in our legal codes.

"But things are slowly changing today." He pointed out that on the basis of the Griggs Decision, another recent court decision had forced the Bell Telephone Company to pay \$15 million in back pay and \$23 million for increases in current salaries to members of minority groups and women.

How does all of that apply to museums?

Historically, according to Corrigan, museums have been the great repositories of the highest cultural achievements of society. As such they reflect the highest ideals of that society and are "therefore our tastemakers and trendsetters. ... Today, they are under attack. ... [presumably because they have been slow to respond to the changes in our society]. (Corrigan recently overheard one leading museum director say: "Museums are one of the last bastions of WASP dominance.")

Corrigan suggested three areas in which museums can take action to deal with present inequities: employment, programs and exhibitions and representation on boards of trustees or other governing bodies. In the case of employment, he suggested that the AAM conduct a nationwide survey to compare present employment prac-

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tices with other fields and then set up a model affirmative action program—with the aid of experts from the Equal Employment Opportunities Commission—for museums. He also suggested that individual museums could make a detailed analysis of the present work force, defining what



A question from the audience

positions are presently held by men and women, what positions *could* be held by men and/or women along with an analysis of present wage patterns. He noted that many industries are being forced into affirmative action programs, as are many state- and city-funded museums and those which have received large Federal grants. He suggested that the larger museums could set the pace, especially in the area of recruitment, which "is a key to the problem."

Corrigan went on, briefly, to say that the governing boards of most of our museums need to be more representative of the community they serve. "Too many board members are inactive. They were recruited as donors and no longer fulfill that role. It's time to shake them up."

Corrigan didn't have time to get into the area of exhibitions and programs except to say that museums must discover what they have to say to the communities they serve. It was unfortunate that the session could not be extended since he probably could have made some interesting contributions.

Workshop/EEOC

Much of the introductory material covered by the speaker, Eduardo Peña,

was discussed at some length in "Employment in the Eyes of the Law" by Anne Marshall, public information specialist of the U.S. EEOC, which appeared in the March, 1973 issue of MUSEUM NEWS and enumerated the various laws and procedures on the Federal and state levels dealing with equal employment opportunities.

Peña did produce some recent statistics on employment in the museum "industry," which came out of a recently completed survey of private museums and art galleries with more than 100 employees. Twenty-one institutions reported: a total of 6,933 employees in all areas of which 3,988 were male and 2,945 were female; 422 were black of which 280 were male and 142 female; 167 were Spanish-speaking Americans of which 127 were male and 40 were female; 204 Orientals of which 85 were male and 119 female; and 11 American Indians.

"The statistics get even worse when you examine the job occupations," said Peña. "Most of the women are in the office and clerical or sales jobs—even those with college degrees. Minorities—male and female—fare much worse. Almost half of all the blacks employed were service workers, the lowest occupational category. Nine of the 643 administrative and managerial officials represented in the survey were black; 2.9% of the professionals and 5.4% of the technicians. Other minorities fare even worse." Based on those statistics, Peña's closing message made us all feel more than a little uncomfortable: "[speaking] . . . not as the director of compliance of the Equal Employment Opportunity Commission, but as a Spanish-speaking American involved in the movement to bring justice, equality and dignity to our community . . . [I feel] the virtual exclusion of Spanish-speaking Americans, Indians and blacks from your profession is *intolerable*. It is even more so because your profession occupies a station of high rank and privilege; you are the molders of opinion, the reinforcers of prejudice, the participants in the purposeful exclusion of [the] true value of the contributions made by the minorities to the development."

There was a great deal of interchange after Peña's remarks, especially in terms of how to initiate grievance procedures and how to recruit qualified members of minority groups.

One of the men in the audience noted that the profession itself is still in its infancy, that there are very few university courses in museum studies and that very few members of minority groups enroll in those courses.

Peña noted that recruitment was one of the answers to that problem, both at the college level, inducing young people to consider museum work as a profession, and at the job level. He also repeated John Corrigan's statement that it might be necessary to rethink attitudes toward traditional jobs and job requirements and to find where on-the-job training might replace traditional college training.

Another member of the audience related his efforts in recruiting and training a number of blacks only to have them "grabbed up" at much higher salaries by the board of education, or the local college, and several have been "seduced away by local industry at much higher salaries." Once again, it was clear that one of things the museum industry will have to do in the future is make funds available for more competitive salaries.



Jim Harithas, director of the Everson Museum of Art

Bruce Evans, Assistant Director/
Chief Curator
Dayton Art Institute

Censorship

It was the audience's impression that we could catch either censorship session and hear the same material.

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Marion gave of the auction responsibility occurred in diences, mon etc.). He dis made through tem, and t cataloging. beginning S Parke-Bernet object agains tion). The a portant, but era's brilliant language, wh stitute a whether we definition of tee" and "co

Emmerich, s collector bo in the art years. Chang have made: than the buy work of art any number This puts th tion vis-à-vis gave fair distaste for prospective audience ag buyer relatio helping mus are hard to also casual ability of in cretion in deaccessioni

Lee clarified the work of a (like any ot in the trans work of art. He suggeste the market much its ex sary), as its ate importat pleat art we and sellers a ing in a relat symbiotic. L ers on buyi for masterp extremely against the that are not concluded th that we dese

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rest of the session was interesting only for what was not said, and it was obvious that the audience, which had come to prey, could only stay to mock.

Marion gave an articulate summary of the auction field, its sense of responsibility and the changes that have occurred in recent years (larger audiences, more sales, greater volume, etc.). He discussed the improvement made through use of the reserve system, and the help of scholars in cataloging. He also announced that beginning September, 1973, Sotheby Parke-Bernet will guarantee every object against counterfeit (not attribution). The announcement seemed important, but one wonders, given our era's brilliant manipulation of the language, whether this will really constitute a substantive change, or whether we will merely see the redefinition of such words as "guarantee" and "counterfeit."

Emmerich, speaking as a dealer and collector both, discussed the changes in the art market over the past 20 years. Changes in audiences and prices have made the object more valuable than the buyer, that is, an important work of art has no trouble finding any number of people to purchase it. This puts the dealer in a pivotal position vis-à-vis the buyer, and Emmerich gave fair warning about dealers' distaste for being strung along by prospective buyers. He warned the audience against misusing the dealer-buyer relationship, since dealers enjoy helping museums and collectors, but are hard to win back, once angry. He also casually mentioned the availability of increased privacy and discretion in using dealers for the deaccessioning process.

Lee clarified the difference between the work of art as a marketable object (like any other commodity involved in the transfer of property) and the work of art as a "cultural property." He suggested that the problem with the market aspect of art is not so much its existence (which is necessary), as its potentially disproportionate importance. He described a complete art world in which the buyers and sellers are all colleagues, operating in a relationship that is essentially symbiotic. Lee also gave some pointers on buying: pay top money only for masterpieces; this is a time for extremely selective buying; buy against the current market, in areas that are not fashionable. In sum, he concluded that "we get the art market that we deserve."

We did not, however, get the AAM workshop that we deserved. No more competent or prestigious panel could have been gathered. A professional

conference is an appropriate time to discuss openly the *real* feelings and problems that are current in the field. This was a year in which the entire art museum profession was seriously wounded by self-generated adverse publicity, and it would have been interesting to hear the panelists' honest response to the problem. The audience did not gather to hear about secrets or information not previously published in the *Times*, but rather to share in their colleagues' ideas. Thus, it was a rare, and missed, opportunity to discuss ethics (whether they apply to us, or only to others at whom we point our guiltless fingers) and to hear the thoughts of three eminent



George Seybolt, chairman of the AAM Trustees Committee

people with three different vantage points from which to observe.

We may be characterized in the media as thieves, incompetent custodians for the works in our museums, fibbers or other nasty things, but at least no one can call us discourteous; if nothing else, our manners will continue to be unassailable.

Trustee/Director/Staff Relations

Along with the session on unions, this program seems by general consensus to have been the most successful during this year's meetings, for several reasons: the topic was interesting, although this factor did not help most of the other sessions; the moderator was very well prepared; and the panelists were good. It was generally a tribute to the concept of meaningful preparation by participants (a

rarity at these meetings). The audience responded with good humor and understanding.

Moderator Stephen Weil invented four psycho-dramas (see below) to examine the feelings of people in museums and to see whether specific roles are more influential than the persons in those roles. The museum was seen as a family, with each participant having an assigned role which did not always correspond to his real-life position. The panelists were each excellent in their own way, although they reacted most convincingly when they took their own actual positions. George C. Seybolt impressed us as a forceful trustee, with responses showing a genuine understanding of what the museum staff is all about. John Peetz was perhaps the best actor of the day and was also accomplished in his director's role, if equally stand-pat in his other roles. Samuel Sachs, II, had the advantage of a dual real-life role (chief curator/acting director) with which to react to his assigned position of curator. Each approached the matter with a great sense of humor, and without making light of the very serious subject matter under consideration. Comments were also provided by Ethel Kunkle, professor of psychology at the University of Wisconsin-Milwaukee, who suggested something about our own myopia in limiting the museum family only to trustees and staff. She noted that the family really is considerably larger, since it includes the audiences we serve as well. Why not test yourself on some of these situations:

1. On the eve of the museum's fiftieth anniversary capital fund drive, an associate curator of contemporary painting and sculpture has been reported by the local newspaper to have been at a party raided by the police where he and several artists were smoking marijuana. While no official charges have been pressed against the curator, the matter has received wide publicity. The museum's by-laws specifically provide that the hiring and firing of staff below the level of director is within the discretion of the director and not the board.
2. One of the museum's most influential and generous trustees has strongly urged that the museum mount an exhibition of paintings by members of the Golden Age Club of the First Methodist Church. Without prior consultation, he has entered into discussion with a local community service funding agency that has indicated its willingness to underwrite the relatively mod-

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est expenses of this exhibition. He has also discussed it with a local newspaper and been assured that the exhibition will receive wide and favorable publicity as a significant social gesture by the museum. The scheduling of exhibitions has heretofore been solely within the authority of the staff, and it has not been their previous policy to schedule exhibitions on any basis other than artistic merit.

3. The museum's staff (which has sole authority over exhibitions) has scheduled a one-man exhibition by John Jones, a contemporary painter. The museum's senior curator of painting and sculpture has written a private letter to the president of the board claiming a) that John Jones, who is a personal friend of the director and of whose works the director owns a large number, is an artist without sufficient merit to justify the forthcoming exhibition, b) that the director has coerced the staff into agreeing to this exhibition and c) that his letter is written on behalf, and with the knowledge, of a majority of the curatorial staff. He also says that he will release this letter to a local newspaper unless he can meet privately with the board to discuss this matter.
4. Jane Smith, an artist whose one-woman exhibition will shortly open at the museum after a year of preparation and some \$20,000 in preliminary expense, has demanded that the exhibition include a large sign stating, "THIS EXHIBITION IS DEDICATED TO THE IMPEACHMENT OF THE PRESIDENT." She also asks that 10% of the museum's admission revenues during the showing of her exhibition be contributed to a fund for an advertisement advocating the President's impeachment. If her demands are not met, she threatens to withdraw her own loans and to persuade others to withdraw theirs.

Ellen W. Bradbury, Registrar
and Curator of
Pre-Columbian Art
Minneapolis Institute of Arts

Unionization

The problem of unions in white collar professions is one which appeared recently, gathering strength in the last five years probably as a result of

changing economic conditions in the United States. As the expanding economy slowed down and the cost of living rose, the ability of people to exist on high status and low salaries declined. The universities and museums probably employed more low salary/high status personnel than other institutions, and it is within the hallowed halls of these centers of culture that the possibility of unionization began to be considered.

In the museum world, The Museum of Modern Art was the first to form a union combining professional and non-professional staff which became the certified bargaining agent in July, 1971. The Minneapolis Institute of Arts was the second museum to have a staff union certified in 1971. The Metropolitan Museum of Art, Corcoran Gallery of Art, The Brooklyn Museum, San Francisco Museum of



Ashton Hawkins (left) and John Conger, both of The Metropolitan Museum of Art

Art and others have had some experience with staff unions.

It is against this background that the general session held Tuesday and the workshop on Wednesday were convened on the problems of museum unions. Joseph Noble introduced the sessions and continually proved a fair and active moderator. Ashton Hawkins, secretary of The Metropolitan Museum of Art, spoke first, discussing the difficulties of having unions in museums. He was of the opinion that while unions might be beneficial at lower or non-professional levels in museums, it was "questionable whether the interests of these kinds of employees are best served through giving over their individual rights to a labor organization which becomes their exclusive agent for collective bargaining on all matters involving salary, tenure, advancements and all other conditions of employment."

Hawkins then explained at some length the collegial approach which the Metropolitan now has functioning within the Museum. He felt this approach to be a more effective way of dealing with the problems of staff unrest than unionization. At the Metropolitan these groups consist of a curatorial forum, an education assembly and a personnel advisory committee, each group acting in a different way. The curatorial forum has, for example, assisted administration in drafting revised curatorial regulations and hopes soon to stop the spread of that well-known museum blight, the rumor. Hawkins feels that the collegial forums may be the prevailing trend in museums and that unionization, particularly of professional employees, has, as they say, "a great future behind it."

Speaking from behind that great future, Susan Bertram of The Museum of Modern Art then gave a brief history of the now well-established union at the Museum. She spoke of conditions prior to unionization:

During the employment interview, a prospective staff member received no written description of the available position, nor was he given an indication of the salaries the Museum paid others in comparable jobs. After accepting employment he might have found that his responsibilities did not agree with the impression he received during the interview, but could vary with immediate departmental needs. An associate curator in one department could



Susan Bertram of The Museum of Modern Art and Gary Sherman, The Minneapolis Institute of Arts, were two union representatives at the Annual Meeting.

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SALARIES

(Article I of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> <u>(as of 9/20/73)</u>
Minimum (other than waitresses)	\$4,770. per annum	\$5,750.	\$6,100. (after initial 3 mos. at \$5,750.)	\$7,200.	none yet
Across-the- board increase	Since 1967, one 5% increase in Feb. '70 to those earn- ing under \$10,000.	7 1/2%	6 1/2% to those under \$7,500. 5 1/2% to those over \$7,500. Establishment of minimum rates of pay for spe- cific catego- ries (see re- opener)	"Substantial across-the-board increase" (Note: On Sept. 21, the Bureau of Labor Statistics reported a 7.2% rise in cost-of-living in N.Y.C. between Aug 72 & Aug 73. Food alone had gone up by 19.9%, housing by 4.1%. The total rise since 1967 is 41.7%.)	5 - 5 1/2%
Waitresses	\$1.25 per hour	20c. per hr. increase	10c. per hr. increase		
Merit increases	no set policy		up to 10% of base salary, at management's sole discretion	Implementation of merit increases	
Overtime	none			Time-and-half for hours after 35 per week	No
				Compensation for staff member assuming duties of Dept. Director in his absence	No
Seniority increment	none	2% increment above base salary after 20 years of service			

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HEALTH BENEFITS

(Article II of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> <u>(July 1, 1971)</u>	<u>After reopening</u> <u>(July 1, 1972)</u>	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> <u>(as of 9/20/73)</u>
Blue-Cross Major Medical non-contributory coverage of employees	To staff members after 1 full year of employment	As of 11/1/71, on completion of 3-month probationary period			
Dependents	Available on contributory basis	Non-contributory, if dependents not eligible under equal plan of another employer			
Deductible	\$100.	\$100.	\$100.	\$50.	awaiting reply from carrier
Hospitalization	100% on first \$3,000. for first 21 days, 80% thereafter	100% Blue Cross coverage for first 30 days			
Maternity benefits	\$200.	\$500.	\$600.		
Abortion		up to \$100. per annum			
Vasectomy		up to \$100.			
Psychiatric coverage	\$10 per visit to maximum of 26 visits per year	\$10 per visit to maximum of 50 visits per year	\$10 per visit to maximum of 55 visits per year	To include group therapy by certified psychologist, psychiatrists, or social worker	Agreed in principle, but awaiting reply from carrier
Other				Add dental care; eye examination; annual checkup by employee's physician; re-imbursement for non-prescription drugs ordered by physician	Awaiting reply from carrier

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EDUCATIONAL BENEFITS

(Article III of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Courses</u>	Limited number of tuition grants; no fixed policy on subjects, amount, recipients, or who decides on apportionment	Establishment of joint Administration-PASTA Educational Review Board to determine eligibility and allocate funds among applicants. MOMA to set aside \$5,000. per year for reimbursement of tuition expenses, payable upon proof of registration.	Increase total sum available to \$10,000. per annum	Advance fees if necessary to register	Will increase total by some amount not yet negotiated Yes
<u>Subjects</u>	Skills relevant to Museum's program of operations				
<u>Eligibility</u>	After one full year of employment			After completion of probationary period (3 mos.)	No
<u>Reimbursement</u>	50% of tuition fee up to \$75 maximum	Sliding scale from 50% to 100% dependent on salary level and whether staff member is eligible for research projects (see below & Contract, Article III)		Scale to be 75% to 100%, dependent on salary level, eliminating provision re eligibility for research project	No
<u>Time</u>	outside Museum hours	outside Museum hours only		In Museum hours, Being considered by if relevant course sub-committee not available otherwise	
<u>Orientation</u>	none	Joint PASTA-Administration committee to develop orientation program for new employees, utilizing 1 day every 6 mos; to prepare manual on Museum's structure and operations			
<u>In-house Education</u>	none	Joint committee to develop program utilizing 3 working days per year plus additional non-working time as may be appropriate & feasible			

continued - (see p.2)

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EDUCATIONAL BENEFITS (cont.)

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	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Gallery visits</u>	No set policy	Associate & Assistant Curators, and Curatorial Assistants, to have 1/2 day free per week for gallery and studio visits, film programs, etc.; may be accrued only within calendar month.			
<u>Research Projects</u>	none				
Eligibility		Assistant & Associate Curators, Curatorial Assistants; Assistant & Senior Conservator; Library Cataloger & Senior Library Cataloger; Assistant & Associate Editor, Editor; Registration Cataloger, Senior Cataloger and Assistant Registrar; after 3 years of service in indicated title.		Add: Administrative Assistant, Education Program Assistant, International Program	In Sub-committee
Time		4 to 6 weeks			
Subjects		Of staff member's own choice, subject to approval of departmental director on suitability of topic and judged competence of employee; negative judgments to be appealed to Joint Education Review Board and, if necessary, ultimately to the Director			
Funding		Museum to provide "limited funds" to support necessary costs		Establishment of fund adequate to cover necessary costs of research, including transportation	No

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LEAVES AND VACATION

(Article IV of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Personal leave</u>	10 working days per year available for sick and/or personal leave for emergency only. Accruable to 30 days maximum. Religious holidays without pay or charged against vacation. None during 3-months probationary period.	3 per year for essential matters that cannot be scheduled in working time, or for religious holidays		Increase to 4 per year	No
<u>Sick leave</u>		12 days per year, cumulative to 60 days. On completion of probationary period, new employee to be given 3 days' credit		Increase to 24 per annum, cumulative to 120 days.	No
<u>Holidays</u>		9 paid holidays per annum		Add: 2, for a total of 11	No
<u>Maternity leave</u>	Up to maximum of 6 months	9 months; insurance coverage continued at staff member's expense		Available to men as well as women	Available to men for period of up to 6 mos., for sole purpose of remaining at home to care for newborn.
<u>Vacations</u>	Accrued vacation earned by June 30 must be taken by end of year, unless Dept. Head authorizes extension to last day of Feb. in year following	Carryover beyond Feb. of following year only under unusual circumstances, based on work load, and only to maximum of 1/2 annual vacation entitlement. Unused vacation from current year or carryover from prior year payable on resignation, retirement, or layoff			
<u>Sabbaticals</u>	None	Available to stipulated members in Curatorial depts., Conservation, or Library after 6 full years of employment in such a position; 6 months at full pay or possibly 1 year at 1/2 pay. Museum to have first option to publish material resulting from research by matching any bonafide offer from outside publisher			
<u>Travel grants</u>	No set policy	Reasonable reimbursement of travel expenses for attendance by staff members participating actively in professional conference; maximum of one per year			

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CONSULTATION WITH STAFF

(Article VI of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopening</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> <u>(as of 9/20/73)</u>
<u>Policy</u> <u>matters</u>	No provision	Director to meet with Assn. representative prior to each meeting of Board of Trustees and appropriate Trustee Committees, to inform them of pending policy matters under consideration		PASTA representation on Board of Trustees and on its Executive, Personnel, Development, Membership, House, Finance, and Education Committees	In Sub-committee Letter outlining our position sent to Administration's suggestion to Mrs. Rockefeller; as yet no reply
		Representatives may request right to appear before Committees and Board to present PASTA's position on policy matters under discussion		PASTA representation on staff-composed Planning Committee	
<u>Search</u> <u>Committees:</u>		All members of department concerned to elect 1 or 2 representatives to participate in search activities and consultation re selection of any new department director			
<u>Curatorial</u> <u>Dept. Directors</u>	No provision				
<u>Director of</u> <u>Museum</u>	No provision	All employees of Museum not in other bargaining units to elect 1 or 2 representatives of entire staff for participation in search activities and consultation with regard to selecting new Museum Director			

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JOB DESCRIPTIONS AND RETITLING

(Article VIII of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Job</u> <u>Descriptions</u>	No set policy; arbitrary and inconsistent	Museum to prepare job descriptions for all titles in bargaining unit to ensure uniform titles for equivalent work, irrespective of departments. Association to review and comment, submitting recommendations to the Director		Job descriptions to be distributed to all new employees	Agreed
<u>Personnel</u> <u>Review</u> <u>Board</u>	Nonexistent	3-person Board (1 designee apiece of Director and Association, 1 mutually agreed upon) to resolve grievances re improper titling and out-of-title job assignments. Board may assign higher but not lesser titles, based on evaluation of job descriptions and actual duties performed by any employee; no incumbent may however be demoted because of upgrading in job-description duties.		Personnel Review Board to be a continuing body. Substitution of designee in case of conflict of interest.	Agreed
<u>Posting of</u> <u>vacancies</u>	No policy	All job vacancies in bargaining-unit titles to be posted so staff members may apply and be considered.		Positions created through awarding of outside funds to be given full job description and be posted.	"Will try"
<u>Personnel</u> <u>files</u>	No policy			Employees shall be entitled to examine their own personnel files and any other records relative to their performance or character.	"Employees shall be afforded reasonable opportunity to examine those materials kept in their personnel file relating to their employment by the Museum."

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PROMOTIONS

(Article VII of 1971 Contract)

	<u>Prior to 1st Contract</u>	<u>After 1st Contract</u> (July 1, 1971)	<u>After Reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Promotion</u> <u>reviews</u>	No policy: entirely arbitrary	Automatic reviews: after 3 years as Curatorial Asst., 5 years as Asst. or Assoc. Curator or Conservator, by all members of his or her department holding higher titles, for purpose of recommending eligibility for promotion to next higher title; Director of Museum to make final determination.			
		Curatorial Assts. may be terminated if majority of those eligible to rule on promotability do not recommend him or her as qualified for such promotion; Museum may terminate at its discretion after 60 days.		Eliminate this provision re Curatorial Assts.	In Sub-committee
<u>Hiring or</u> <u>interdepart-</u> <u>mental trans-</u> <u>fers</u>	No policy	Prior to hiring or interdepartmental transfer of Asst. Curator, Asst. Conservator, or Assoc. Curator, department members with higher titles to review qualifications and prepare recommendations to Director of Museum, who shall make final determination.			

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GRIEVANCE AND ARBITRATION

(Article IX of 1971 Contract)

<u>Procedure on Grievances</u>	<u>Prior to 1st contract</u>	<u>After 1st contract (July 1, 1971)</u>	<u>After reopening (July 1, 1972)</u>	<u>PASTA's Current Demand</u>	<u>MOMA Response (as of 9/20/73)</u>
	None	Any dispute over "interpretation, application, or alleged violation of any provision of the contract" shall go through 3 steps: 1. Presentation orally to Dept. head or director of personnel as grievant may elect; oral reply in 3 working days. 2. If not then resolved, PASTA may file written grievance with Director 10 days thereafter; Director or his designee shall meet with grievant and 2 other PASTA representatives within 5 working days to explore and discuss. Within 5 working days thereafter, Director or designee to render written decision. 3. If not resolved thereby, PASTA may proceed within 10 working days to final and binding arbitration under labor rules of American Arbitration Assn. Fees of arbitrator and A.A.A. to be shared equally by parties.		Provisions to include <u>all</u> differences arising out of employer-employee relationship.	Not prepared to expand at present.

(For further details, see 1971 Contract)

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DISCHARGE AND DISCIPLINE

(Article X of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Discharge</u>	Museum to determine whether employee should be terminated or discipline or "just cause," without notice, severance pay, or accrued benefits.	Disciplinary discharge or lesser discipline for staff members who have completed their probationary period to be <u>only</u> for cause.		Discharge only for "just cause"	
<u>Cause</u>	Personnel Manual specifies several bases for "just cause," which, however, are not to be limited to those named			Grounds for "automatic" discharge listed in Personnel Manual to be eliminated	Letters of dissatisfaction - copies will be sent at employee's request.
				Copies of any letters re dissatisfaction with performance of duties to be sent to Chairman of PASTA.	
				This also includes formal notice of termination of employment	Agreed

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IMPROVEMENT OF FACILITIES

(Article XI of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Fainting Room</u>	Former "fainting room" dismantled and no other provided	Fainting Room established on 6th floor			
<u>Improvement of facilities</u>		A joint Administration/PASTA committee to prepare proposals for improvement of Museum facilities; Director to determine action to be taken.			
		(Note: Report prepared; some recommendations have been acted upon.)			

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JOB SECURITY

(Article XIII of 1971 Contract)

	<u>Prior to 1st Contract</u>	<u>After 1st Contract</u> (July 1, 1971)	<u>After Reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Layoffs:</u>	No policy	In case of layoffs, individual or individuals in given job title to be laid off to be determined by Director on basis of 1) comparative ability; 2) experience; 3) seniority; latter to be determining if other two factors adjudged equal. If other than most junior in given title is selected for layoff, Director must give written justification for his decision.		Layoffs to be in order of seniority, subject to employee's ability to perform given job adequately	Tentative agreement
<u>Selection</u>	Arbitrary selection by department head or Director of Museum.	Following specific titles to be laid off <u>solely</u> on basis of reverse seniority on Museum-wide basis: Receptionist, secretary, clerk-typist, cashier, waitress, information desk representative.			
<u>Notice</u>	Minimum two-week notice "if feasible"	Minimum three-week notice.			
<u>Severance pay</u>	6 mos. - 1 yr. service, one week's pay; 1 - 3 yrs., two weeks; 3 - 5 yrs., three weeks; 5 - 10 yrs., four weeks; More than 10 yrs., "special consideration"	6 mos. - 1 yr. service, one week's pay. Additional week's pay for each full year of uninterrupted service. Museum may at its discretion provide additional severance pay beyond that stipulated.		After 1 yr. service, 3 weeks' severance pay. Thereafter, 1 1/2 week for each year of service.	No
<u>Recall</u>	None	If job is restored within one year of layoff, employee shall have right to offer of recall by MOMA (temporary assignment not to be considered as recall).			

(continued -- see page two)

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JOB SECURITY (page two)

(Article XIII of 1971 Contract)

	<u>Prior to 1st Contract</u>	<u>After 1st Contract</u> (July 1, 1971)	<u>After Reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
<u>Workload</u>	No provision	<p>Allegations that layoffs or purposeful holding open of vacancies have resulted in unduly burdensome workload on remaining staff members shall be processed by the Association through grievance and arbitration procedures. In case allegation supported, Museum shall have right to remedy situation -- including by redistribution or reduction of workload of those affected, or recall of those laid off.</p> <p>If arbitrator determines unduly burdensome workload has resulted, 1/2 total salary of those laid off shall be distributed among remaining employees affected.</p>			
<u>Benefits</u>	Only permanent employees to be eligible for benefits, on completion of probationary period.	<p>All employees Tentatively agreed shall be entitled to full benefits upon completion of probationary period. Their date of employment and eligibility for benefits shall incorporate time served while on probation or as temporary employee.</p>			

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CHECK-OFF

(Article XIV of 1971 Contract)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopening</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MAMA Response</u> (as of 9/20/73)
<u>Membership</u> <u>in Association</u>	See note below	No staff member shall be required to join the Association.			
<u>Checkoffs</u>		<p>On written authorization, employee in bargaining unit who joins Association will authorize Museum to make automatic deduction once each pay period of dues fixed by Association, and Museum shall remit such amount to the Association.</p> <p>No such deduction shall be made on termination, layoff, transfer to non-bargaining-unit position, agreed leave-of-absence without pay, or revocation of authorization by employee</p>			

Note: The Staff Association's Constitution excludes from membership, on the grounds of possible conflict of interest, only: the Director of the Museum, the Director of Administration, the Directors of all Curatorial Departments, the Director of Publications, the Director of Public Information, the Director of Membership, the Director of the International Program, the Director of Development and Corporate Relations, the Director of Personnel, the Controller, the Assistant Treasurer, and the Assistant Secretary to the Trustees.

At the time of certification, the Museum succeeded in having the National Labor Relations Board exclude from the Association's bargaining unit approximately 40 other titles deemed "managerial, supervisory, or confidential." They also claimed an additional 11 titles (held by some 16 employees); these disputed "challenged titles" are currently under negotiation.

Though not part of the bargaining unit nor subject to checkoff, all staff members excepting those stipulated in the Constitution are nevertheless welcome to join the Association and participate in its discussions and activities.

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PENSION PLAN

(Article IA, 1972 Reopener)

	<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
Formula	Employees who retire at age 65 and have completed at least 25 years of service at the Museum shall be entitled to a pension which, together with Social Security benefits, will amount to 1/2 their average salary over their final 5 years of employment.		Minimum benefit with Social Security entitlement to be \$6,500, for those retiring, after Association's certification, at age 65 after 25 years of service.	Elimination of provision deducting Social Security from total calculation Increase benefits and raise eligibility	MOMA requesting specific proposals from PASTA.
	Pro-rated reduction for those retiring earlier and/or with fewer years of service.		Comparable pro-rated reductions.		
			Final average salary to be based on <u>4</u> rather than <u>5</u> years, effective July 1, 1973.		

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ROYALTIES

(Not in previous Contract or Reopener)

<u>Prior to 1st contract</u>	<u>After 1st contract</u> (July 1, 1971)	<u>After reopener</u> (July 1, 1972)	<u>PASTA's</u> <u>Current Demand</u>	<u>MOMA Response</u> (as of 9/20/73)
Museum currently pays authors 4% to 6% royalty on books it publishes, exclusive of <u>any</u> royalty payment for copies distributed to members as privilege of membership, which may total some 15,000 copies.			Some royalty to be paid for books sent to members as a privilege	In subcommittee

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The Museum of Modern Art

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To The Office Staff
From Richard E. Oldenburg
Date April 13, 1973
Re

I am very happy to announce that under an Internal Revenue Service interpretation, just obtained through the good offices of the Museum's counsel, we have been advised that the Museum may now legally implement, effective July 1, 1972, the special salary adjustments provided for in the Museum's current contract with Local 1. Payment to those thereby entitled to retroactive increases for the period July 1, 1972 through January 10, 1973 will be made in the last salary checks for this month.

I am delighted that the Museum's continuing efforts to achieve this result have finally been successful.

REO/mvk

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PLM v

The Museum of Modern Art

To The Staff
 From Richard E. Oldenburg
 Date March 22, 1973
 Re Staff Association

The Staff Association's bulletin, calling a meeting to be held this week, contains some gross mis-statements to which I feel obliged to respond. I have given the Program Committee a more lengthy, detailed rebuttal than I can present in this memo, and I trust they will share this information with the Association members. In the meantime, however, I must comment on two blatant untruths:

1. The allegation that "Management" has not been trying to implement the contract in full.
2. The statement that "the Director has now taken the position that the Museum can not under the law pay retroactivity from July, 1972 through January 11, 1973."

I deeply resent any implication that "the Museum" has not in good faith been making every effort to seek full implementation of the agreement at the earliest possible date. The Museum's counsel and administrative staff involved can all attest that we have constantly pressed for pursuance of every legal channel by which this could be accomplished. Further, the Staff Association's counsel can confirm that the Museum's counsel was primarily responsible for planning the legal approaches which would offer the best prospects for approval by the Cost of Living Council. It has always been, and continues to be now, my strong desire to make payment of the full // retroactive amount as soon as we may legally do so.

The Director has not taken the position that the Museum can not under the law pay retroactivity. On the contrary, I am hopeful, given the response to our informal inquiry to the Cost of Living Council, that an application framed as we agreed with the Staff Association's counsel would be favorably considered. In the meantime, however, the law is absolutely clear that for the period of July 1, 1972 through January 10, 1973, // the end of Phase II, we may not implement increases in excess of 5.5 per cent without advance written approval from the Cost of Living Council.

The statement in the Staff Association memorandum that the Museum should implement these increases now, without obtaining the authorization required by law, because the Museum "risks little" is just irresponsible. In essence, it is an argument that the Museum should violate Government regulations, enforced by penalties, on the basis that there is a good chance that we would not get caught at it. Any Director of this Museum who proceeded on this kind of principle would be demonstrating not "good faith", but pure and simple malfeasance.

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Museum of Modern Art Archives

The Museum of Modern Art

To The Staff
From Richard E. Oldenburg
Date March 22, 1973
Re Staff Association

The Staff Association's bulletin, calling a meeting to be held this week, contains some gross mis-statements to which I feel obliged to respond. I have given the Program Committee a more lengthy, detailed rebuttal than I can present in this memo, and I trust they will share this information with the Association members. In the meantime, however, I must comment on two blatant untruths:

1. The allegation that "Management" has not been trying to implement the contract in full.
2. The statement that "the Director has now taken the position that the Museum can not under the law pay retroactivity from July, 1972 through January 11, 1973."

I deeply resent any implication that "the Museum" has not in good faith been making every effort to seek full implementation of the agreement at the earliest possible date. The Museum's counsel and administrative staff involved can all attest that we have constantly pressed for pursuance of every legal channel by which this could be accomplished. Further, the Staff Association's counsel can confirm that the Museum's counsel was primarily responsible for planning the legal approaches which would offer the best prospects for approval by the Cost of Living Council. It has always been, and continues to be now, my strong desire to make payment of the full retroactive amount as soon as we may legally do so.

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REO/mvk

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

F O R Y O U R I N F O R M A T I O N

The strike at The Museum of Modern Art is the unfortunate result of a breakdown in collective bargaining negotiations which have been in process since June between the Museum and the union representing part of the Museum's professional and administrative staff. Essentially the union has refused to accept program and staff reductions mandated by the gravity of the Museum's financial condition.

Even with anticipated savings as a result of program changes, the Museum's projected deficit for 1971-72 is \$1,355,000. The growth in the deficit, approximately \$128,000 in 1966-67, has accelerated in recent years to a level which the Museum cannot sustain. A privately supported institution, The Museum of Modern Art receives no subsidies from the City of New York, unlike many of the City's other major museums.

We greatly regret any inconvenience the strike may cause and hope it will not interfere with your enjoyment of the Museum and its exhibitions. The steps taken by the Museum to reassess the scope and priorities of its programs will hopefully strengthen the institution for the future and ensure its continued commitment to the arts of our time.

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

Statement to the Board of Trustees by the Professional and Administrative Staff Association of the Museum of Modern Art. December 12, 1973.

Although the strike by the Professional and Administrative Staff Association has ended, we feel it necessary to state for the record, our view of the facts and the issues of the strike and the settlement.

Bargaining began in advance of the lapse of our contract on June 30, and throughout several months of negotiations followed by mediation, the Association, in the expectation of good faith bargaining, continued to work without a contract. A strike is not undertaken lightly by any body of employees especially ones already oppressed by sub-standard salaries. Such an action is always a last resort, a final expression of accumulated grievances. It signals the absence of communication between parties and indicates that every other means has failed to ameliorate working conditions. Although the Administration professed to be, in Mr. Oldenburg's words, "seeking the compromise which both sides can accept," in reality it failed throughout this period to alter its position on major issues and on most of the minor ones, so that on October 9 the Association went out on strike.

As the picketing continued, no one knew better than those on strike that a prolonged confrontation would result in the curtailment of the Museum's program for the coming months, even years. Such a situation is contrary to the Museum's essential responsibility to the public and the Association felt this acutely. With this in mind, the Association offered on October 29 to return to work at once while issues were submitted to an impartial fact-finding panel for non-binding recommendations, recognizing that we could probably not go out on strike again, whatever the decisions the panel reached. The summary dismissal of this proposal by the Director on October 30 demonstrated clearly that he held the same irresponsible attitude towards the public that he had already evidenced for the employees on strike. Mr. Oldenburg did not, from June to December, participate in a single session or meet with us for a face-to-face discussion of the issues. (Indeed since the day he became Acting Director almost two years ago, he has not called one meeting of the entire staff.)

That the Museum could not continue to operate normally during the strike was obvious from the composition of the strikers. These included curators, conservators, registrars, editors, assistants and secretaries, bookstore staff, information desk personnel, typists, clerks, and many others who maintain the Museums services and programs.

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Statement to the Board of Trustees by
PASTA/MOMA

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With the exception of its Director, the entire 16 member Department of Painting and Sculpture was on strike. In all six curatorial departments and the crucial Registration and Conservation Departments, among 65 staff members below Department Head, 55 chose to go out on strike on October 9 together with some 65 others. (The Association believes that an educational institution such as the Museum must recognize the right of all to act according to the dictates of their conscience. Hence, the Association has maintained an open shop for the bargaining unit and made membership in the Association a matter of individual choice.) During the seven weeks of the strike, no member of the union returned to work.

In the meantime the doors of the Museum remained open, and visitors therefore, decided individually whether to cross a picket line consisting of most of the people responsible for the exhibition program and for the constant maintenance of the collections, and essential services including many people with years of dedicated service to the Museum and its public.

What then were the central issues of the strike?

SALARIES

A primary issue of the strike, and one of concern to museum workers in general, was economic. Mr. Oldenburg's statement in his letter to the members that "at the top curatorial level, our salaries have for some time been among the highest in any museum" failed to address itself to the major problem. The minimum hiring rate at the Museum was \$5750, the minimum after three months was \$6100. 28% of our unit earned less than \$7000, 54% less than \$8500. Only 6% earned more than \$12,500. Management salaries, on the other hand, range from approximately \$20,000 to a reported salary in excess of that of the Mayor of New York, U.S. Senators, or U.S. Ambassadors. The largest gap continues to exist at the level between Curator and Department Head -- a gap exceeding \$10,000. The total salary for some 40 managerial positions is more than \$1 million, while the total for our bargaining unit of 165 was \$1.2 million.

The "substantial adjustments in lower echelon salaries" mentioned by Mr. Oldenburg in his letter to the members were won in negotiations by the Association under the previous contract. During the five years prior to that first union contract, there had been only one cost of living raise at the Museum, despite a management-commissioned study which found the Museum's salary structure totally inadequate in most cases. In the four years that have elapsed since that study was made, many salaries in the bargaining unit are still not at the level recommended. PASTA initially asked for 12% across-the-board, and later reduced this demand to 9%. Still later, it made clear that if it would enable the Administration to meet the minimum salary request of \$7200, PASTA would accept an across-the-board increase which would merely keep pace with the cost of living. (Between August 1972 and August 1973 the general cost of living in New York City rose by 7.2% and food prices alone rose 17.6% according to the Bureau of Labor Statistics.) The Administration never put on the

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table an offer of more than 5 1/2% across-the-board until the eve of the strike settlement. While maintaining that it could not give PASTA an across-the-board increase higher than the 5 1/2% already granted to other Museum unions, the Administration at the same time refused to grant PASTA the same \$7200 minimum it had already given the guards union.

DISPUTED TITLES

Disputed titles are those not legally within the jurisdiction of either the union or management. They include Curator (but not Associate or Assistant Curator), as well as Associate Conservator, Associate Registrar, and administrative titles at secondary and tertiary levels. Many of the individuals holding these titles believe that their job status places them within the union and wish to be represented by it. The position of Curator, for instance, is analogous to that of Professor at a university. At universities it is recognized that to ensure freedom of inquiry, professional titles must be separate from the Administration and protected against economic pressures which may inhibit this freedom. Curators also need this autonomy, but just as much the Museum needs curatorial independence if it is to remain an objective and disinterested force. Without the assurance of this the curator may hesitate to address openly and freely important issues which the Museum must confront if it is to continue to be a vital institution. At the Metropolitan Museum, for example, many curators feared they would lose their jobs if they opposed the disastrous "de-accessioning" policies of the Director.

While Directors of Curatorial Departments sit on the Planning Committee and thus play a direct role in the staff decision-making process, Curators (except for one who is actually a Department Head, though the Museum has not seen fit to give her that title) do not. The Administration permits Associate and Assistant Curators to be in the PASTA bargaining unit but claims a distinction in kind between these positions and that of Curator where in fact there is only one of degree. The Administration thus proposes to disenfranchise Curators (as well as others who hold "disputed" titles) by cutting them off from both the management and the union forum.

Resolution of the disputed titles is subject either to agreement between the parties or to arbitration before the appropriate labor board. What the Museum has never acknowledged is that at the beginning of negotiations last July the union told the Administration it was ready to apply to the National Labor Relations Board for a resolution of this issue. The Administration's representatives replied that such a move was premature, and indicated that they preferred to negotiate jurisdiction over these titles, job by job. Discussions continued on this basis until the eve of the strike on October 9. Then, for the first time, management took the position that this was strictly non-negotiable, unilaterally withdrawing it from the bargaining table and holding agreement on all else hostage to the union's yielding on this issue. At the same time, it publically asserted that the union refused to discuss any issue but the disputed titles.

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POLICY PARTICIPATION

If all of the Museum's staff felt there was a formal mechanism for making its views heard on general policy questions affecting the Museum's welfare as well as its own, there would have been little basis for a strike. The Museum's employees are genuinely dedicated to the betterment of the Museum and not just to the betterment of their own financial status, and out of the absence of meaningful participation in the Museum's policies, frustrations grow and strikes are born. The issue is not one of clearly managerial bodies versus those who are managed. What conflict of interest can arise between parties who share a paramount common concern for service to the public and to the art community?

Our first contract specified that the Director meet with Association representatives prior to each scheduled meeting of the Board of Trustees and of the various Trustee committees, to inform them of pending policy matters and the general range of policy options being considered. These provisions were not respected, however, and management repeatedly abdicated its responsibility in these areas.

In order to correct this situation, the Association asked for one seat on the 40-member Board of Trustees and one on each of seven Trustee committees. These additions would hardly have resulted in veto power for the union. Rather, they would have ensured that the staff had access to information about proposed major policy changes while such changes were still under consideration. Furthermore, the staff would have been able to contribute fresh ideas drawn from the collective experience and expertise of 165 people working in all areas of the Museum. It should be noted that most of the Trustees' principal occupations lie outside the field of art. Moreover, the Museum's Director is answerable to the Board and serves at the Board's pleasure (as several previous Directors have discovered). The union staff could speak with more independence than could high administration officials whose positions are not protected by a formal contract. The union staff could speak with more knowledge of the actual workings of the Museum than absentee Trustees. Does it really serve the best interests of the Museum to insulate its Board from the views of the staff at large?

Mr. Oldenburg and the Trustees have failed to recognize the constructive role that more active participation by the general staff might have. The Director meets on a regular basis only with a limited number of management personnel and the Trustees meet on a regular basis only with the Director and a very limited number of museum staff. Increasingly, colleges and universities throughout the country are involving not only their faculties, but also their students in the decision-making process, in an effort to meet the challenge of making such institutions more responsive to the actual needs of society today. For The Museum of Modern Art, by contrast, to remain adamantly inflexible by continuing to vest all power in its Trustees and Administration without profiting from the knowledge of a large body of its own professional staff, does not auger well for its survival -- let alone for the maintenance of its position as a pioneering, truly modern museum.

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

TO OUR VISITORS:

The Museum deeply regrets any inconvenience caused its members and the general public by the current strike of professional and administrative staff represented by Local 1, Museum Division, Distributive Workers of America. The contract with this union expired on June 30, and collective bargaining negotiations, as well as formal mediation efforts, have unfortunately failed to achieve a settlement.

Agreements were successfully concluded with the Museum's five other unions. With these contracts in effect and with the assistance of supervisory and other non-union staff members, the Museum's galleries and Sculpture Garden, as well as its restaurant facilities and lobby bookstore, are fully open to the public. We regret that a temporary disruption of our film program has been unavoidable.

The Museum remains ready to resume negotiations with the striking union upon the call of the State Mediator. However, the sides are presently far apart on some major issues, not only of money but of policy.

Thank you for your understanding and continued interest in the Museum.

Richard E. Oldenburg
Director

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

W H Y ? ? ?

- WHY does the Museum's management payroll (40 salaries) total nearly \$1 million, while the payroll for the professional and office staff (170 salaries) totals only \$1.2 million?
- WHY did the Museum give those in management a 5½% increase (averaging more than \$1,000 per capita), and offer the same increase to the remaining staff (averaging \$380 per capita)?
- WHY is the Museum unconcerned that 1/3 of the professional and office staff earn less than \$7,000 per year, and 54% gross less than \$8,500 annually?
- WHY has the Museum refused to offer these employees an increase that at least equals the rise in the cost of living (reported as 7.2% by the Bureau of Labor Statistics since August, 1972)?
- WHY did the Museum, over the past three years, put \$850,000 from its endowment into the funding of a pension plan, with \$700,000 attributable to management pensions (40 titles), and \$150,000 attributable to those not in management (170 titles)?
- WHY did the Museum, in the same three year period, substantially reduce its programs, and layoff thirty-six employees for financial reasons?
- WHY has the Museum, in this period, refused to grant merit increases to bargaining unit employees, even though they were recommended by management personnel?

FOR FURTHER INFORMATION CONTACT:

Richard E. Oldenburg
Director
The Museum of Modern Art
11 West 53rd Street
New York, New York 10019

Mrs. John D. Rockefeller 3rd
President, Board of Trustees
The Museum of Modern Art
11 West 53rd Street
New York, New York 10019

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PASTA/MOMA? PASTA/MOMA!

WHO ARE WE?

Members of The Professional and Administrative Staff Association of The Museum of Modern Art -- 70% of the Museum's total staff not represented by other unions, as against 30% in managerial positions. We include members of the curatorial staff and waitresses; librarians and secretaries; conservators and administrative assistants; editors, and bookstore and information-desk staff; bookkeepers and receptionists; etc., etc. -- in short, the majority of those charged with carrying out the Museum's functions.

WHY ARE WE HERE?

Our contract expired June 30, and after 14 weeks of negotiations, the Museum's Administration has not yielded its position where money is at stake, and has refused to meet our requests in other areas. A mediator from the State Mediation Board is attempting to arrange a settlement. This would require some compromise on both sides. So far, the Administration has refused to meet us halfway.

WHAT DO WE WANT?

- 1) A substantial across-the-board increase in salaries and raising of the present \$6100 minimum to \$7200.
Although food prices alone in New York City rose 17.6% since August 1972, the Administration has offered only a 5 1/2% across-the-board increase. Take-home pay for many in our bargaining unit is \$88 a week.
- 2) Participation in policy-making by representation on the Board of Trustees and its Committees.
Although the Museum refuses to pay us overtime because we are "professionals," it refuses to let us contribute our experience in deciding its policies and programs.
- 3) Inclusion in our bargaining unit of a number of staff members holding so-called "disputed titles," among them many of PASTA/MOMA's founders and staunchest supporters.
Although the Administration claims they are "supervisory," their seniority is professional, not managerial.

THIS IS A DEMONSTRATION, NOT A STRIKE! BUT:

Unless the Administration offers an acceptable contract, we will be forced to strike.

WHEN?

The deadline is midnight Monday, October 8.

Please write or phone the Director, Mr. Richard Oldenburg (956-7502), urging him to

HELP US AVERT A STRIKE!

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affiliation with DWA - May 1, 1971

File

Museum of Modern Art Archives	
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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

Wednesday, April 28, 1971
FOR IMMEDIATE RELEASE

Museum of Modern Art Staff Association Votes Affiliation with Distributive Workers
of America

The Professional and Administrative Staff Association (PASTA) of The Museum of Modern Art, New York, has voted by a 75 percent majority of its membership to affiliate with the Distributive Workers of America. This marks the first time that any such museum group in the United States has sought union affiliation and therefore, upon receiving its charter, the Association will become Local 1, Museum Division of DWA.

PASTA was formed in June 1970 by members of the curatorial, administrative, and office staff concerned with the Museum's programs and policies. As listed in its Constitution, its purposes are "to provide a forum for the expression of ideas among the members of the staff, to establish a constructive body that will have a voice in matters that concern and affect the Museum; to improve the economic, professional, and physical working conditions."

The decision to seek union affiliation was reached following months of discussion with the Museum's Director, John B. Hightower, and other members of the administration on demands submitted last January on behalf of the Association by its Counsel, Michael J. Horowitz. The demands covered not only salaries, traditional benefits such as insurance, sick leave, vacations, etc., job security, working conditions, and grievance procedures, but also educational benefits and particularly the right of Association members to participate in the decision-making process on questions of Museum policy. When it became evident, however, that the administration was prepared merely to discuss these demands without committing itself to true good-faith bargaining that would culminate in a binding contract, it was decided

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by the Association in a secret ballot on Monday, April 26, to accept DWA's invitation to affiliate. The union will thus be able to lend its strength and support in bringing about meaningful negotiations with the Museum's Director and Board of Trustees.

Distributive Workers of America is a conglomerate, independent, liberally oriented union headed by Cleveland Robinson, as President of its National Council. According to David Livingston, President of District 65 and Executive Vice President of DWA, the union is particularly interested in welcoming The Museum of Modern Art's Staff Association into its ranks because it is anticipated that PASTA's decision will have wide repercussions among museums and other art organizations in this country. PASTA's concern not merely with such traditional labor-management relations as salaries and working conditions but also with broad questions of policy is particularly significant at a time when museums, like many other institutions, are becoming increasingly aware of the necessity to define their role in society and contribute more actively than ever before to the needs of their communities.

For additional information call Jane Fluegel, 956-7208 or 255-5043, or Helen Franc, 956-7209 or TR 3-4431.

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Museum of Modern Art Archives

THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

June 7, 1971

FOR IMMEDIATE RELEASE

Professional and Administrative Staff Association Becomes Bargaining Agent
for Museum of Modern Art Employees

In an election held Friday, June 4, under the supervision of the National Labor Relations Board, employees of The Museum of Modern Art voted by an overwhelming majority to be represented by the Professional and Administrative Staff Association (PASTA) in collective bargaining with the Museum's management. Early in May, the Association received a charter from the Distributive Workers of America, becoming Local 1, Museum Division of the DWA, and as a result of the election will receive NLRB certification as collective bargaining agent for some 200 of the Museum's curatorial, administrative, and office staff. This marks the first time that staff members in those categories at any American museum have affiliated with a union and achieved certification from a national or state labor relations board.

Almost 100 percent of those eligible to vote cast secret, written ballots. The final count was 128 in favor of the Association, 46 against, giving such a heavy plurality that 19 votes cast under challenge by employees whose titles were alleged by the Administration to be supervisory or managerial, while the Association claimed they were not, did not even have to be tallied. Excluded from voting by mutual agreement were department heads and others named in the Association's Constitution as not eligible for membership, because their managerial roles would involve a conflict of interest; others whose positions the Museum deems to be managerial, supervisory, or confidential in nature; and employees such as guards, projectionists, etc., who already belong to other unions.

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Having achieved certification, the Association is empowered to act as bargaining agent for all employees except those holding the above-mentioned excluded titles, irrespective of their membership in the Association, when it enters into negotiations for a binding contract with the Museum's Administration and Board of Trustees. Basis of the negotiations will be a series of demands submitted last January to the Museum's Director, John B. Hightower, on behalf of the Association by its counsel, Michael J. Horowitz. The demands cover not only salaries, such traditional benefits as insurance, sick leave, vacations, etc., job security, working conditions, and grievance procedures, but also educational benefits and -- of special significance -- the right of Association members to have a voice in the decision-making process on questions of policy.

The Professional and Administrative Staff Association (PASTA) was formed in June 1970. Its purposes, as listed in its Constitution, are "to provide a forum for the expression of ideas among the members of the staff, to establish a constructive body that will have a voice in matters that concern and effect the Museum; to improve the economic, professional, and physical working conditions."

After having investigated a number of unions, last April 26 a remarkable 75 percent of the Association's membership voted to accept the Distributive Workers of America's invitation to affiliate. The Association chose the DWA because of its outstanding leadership, its liberal, independent outlook, and its assurance that it would respect the Association's existing Constitution and recognize its full autonomy, leaving all questions of membership, job actions, and policy decisions to the local's own determination. Both the DWA and PASTA anticipate that the activities of Local 1, Museum Division will be closely watched by other museums and art organizations throughout the country,

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not only because of the impact on labor-management relations at such institutions but also because of their growing awareness that they, like any others today, must redefine their roles in society and contribute more actively than ever before to the needs of their communities.

Additional information available from Jane Fluegel, 956-7208 or Virginia Allen, 956-2633.

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Museum of Modern Art Archives

The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

September 1973

Issues and Answers Regarding the Current Contract Negotiations

Note: PASTA/MOMA negotiated its first contract with the Museum in 1971. Though not signed until November, its provisions were retroactive to July 1, 1971. It was a two-year contract, to remain in force through June 30, 1973.

However, because wage-and-price controls went into effect while negotiations were underway, it was agreed that negotiations should be reopened the following year regarding those areas of the contract relating to salaries, health benefits, and pensions. The reopener provisions became effective as of July 1, 1972. The first contract and the reopener expired as of June 30, 1973. It is a second, total contract that is now in process of negotiations. PASTA has proposed a 1-year contract, to expire June 30, 1974. The Museum wishes a 2-year contract, with a reopener after 1 year as regards wages and benefits.

In addition to the contract, a number of titles claimed by the Association as properly part of its bargaining unit have been disputed by the Museum and are called "challenged." The status of these positions (and the incumbents holding them) has never been clarified, and this also is an urgent priority in the current negotiations. The Association has offered to submit this issue to arbitration; so far, the Museum has refused.

You are invited to familiarize yourself with: The Association's Constitution and By-laws; provisions of the first contract and the reopener; the Association's demand letter of June 18 for the second contract; and the Fact Sheet prepared in September 1973. This "Issues and Answers" document gives the status of bargaining discussions as of September 21, when negotiations were broken off as stalemated and are now being discussed with a mediator assigned by the State Mediation Board.

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Museum of Modern Art Archives

The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

MEMORANDUM

TO: The Trustees

FROM: John B. Hightower

DATE: September 30, 1971

SUBJECT: Report on Strike and Contract

BACKGROUND

On June 4, as you know, the Professional and Administrative Staff Association (officially referred to as Local 1, Museum Division, Distributive Workers of America) was certified, after an election held under the supervision of the National Labor Relations Board, as the collective bargaining agent for some 200 members of the Museum's curatorial and clerical staff. Formal contract negotiations between the Museum and the staff union began shortly thereafter and proceeded constructively with a reasonable amount of mutual agreement. On August 4, after notice to the Association, I announced our intention to reduce the Museum's program over the course of the next 16 months in order to control and decrease the operating deficits which have been mounting dramatically since 1967. The obvious and unavoidable consequence of reducing the Museum's program was simultaneously to reduce the size of the staff which had also increased dramatically over the last several years - from 295 in 1966 to 540 in 1970.

During the 16 month period in which the program will be reduced, it has been anticipated that 53 positions will be eliminated. Thirty-six of these positions fall within the collective bargaining unit of the staff union. Twenty-two people were given immediate notification that they would be laid off during the course of the fiscal year. The Association demanded that the Museum rescind some of the announced lay-offs; intensive discussions and negotiations were held on this issue during the period of time from August 4th to August 20th. The Association was asked to suggest alternatives in order to accomplish the financial goal of the program reductions. No alternatives were offered, and the Museum consequently refused to rescind any of the lay-offs that had been announced; on August 20th the staff union decided to strike.

THE STRIKE

The strike action by the staff union lasted two weeks. Throughout this period of time, all (with the exception of three individuals) of the members of the four other labor unions with which the Museum has contracts continued to work. In addition, more than 60 members of the striking bargaining unit also reported to work. Members of the Museum's managerial staff maintained the Museum's essential departmental and public services and also operated

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the bookstore and worked as admission cashiers. Attendance at the Museum was off only slightly during the course of the strike - most noticeably during the four days on which there were no film showings due to the absence of two projectionists.

Negotiations with the staff union proceeded under the auspices of the New York State Mediation Service. By Friday, September 3rd, a full agreement on all issues had been reached and was ratified by the staff union. The vote was 94 in favor of and 10 against accepting the agreement and returning to work. As some of you may have heard, a group of 12 to 14 members of the staff union came back into the Museum at about 8:00 p.m. that evening and joined some of us in a toast to their decision to return to work. In addition to accepting a full agreement the staff union has since withdrawn the unfair labor practices charge that it had filed with the National Labor Relations Board claiming that the Museum had refused to bargain in good faith. On September 14th, the agreement was ratified in principle by the Executive and Personnel Committees of the Trustees subject to final agreement on the precise language of the formal contract presently being drawn.

CONTRACT PROVISIONS

It is important to mention that all of the principal provisions of the contract were proposed by the Museum and were offered in bargaining sessions before the strike began. From the Museum's standpoint two critical factors governed the negotiations and were maintained by the Museum throughout: the first was the necessity to keep within the financial limitations we were faced with and had established prior to negotiations; the second was the essential requirement of the Museum to protect its prerogatives in managing the institution.

The contract is for two years and is subject to the Presidential wage freeze and any subsequent controls imposed by the Government. Salaries will be increased by 7 1/2% during the first year of the contract; the minimum starting salary for full-time employees will be raised to \$5,750 per year. Group insurance benefits will be liberalized, and the Museum will assume the cost of coverage for employees' dependents. On July 1, 1972 the contract, which has a no-strike clause, may be re-opened for further negotiation regarding and limited to health and pension benefits as well as salaries. The no-strike clause does not apply during negotiations on these specific issues.

The agreement also provides for sabbatical leave for certain members of the curatorial, library and conservation staffs, and for up to eight weeks of "released" time, every three years, for independent research projects on Museum-related subjects. Members of the curatorial staff will be granted one half-day per week to keep abreast of current developments at galleries and other museums, a practice which had always been informally recognized within most curatorial departments.

The Museum's program of granting tuition aid to staff members pursuing courses of independent study has been expanded, and in-house training and orientation programs will be organized by a joint committee. Regulations governing sick leave, personal leave and maternity leave will be somewhat liberalized, and a formal procedure for the processing of grievances, culminating in outside arbitration, is to be established.

The Director will inform representatives of the Association on relevant

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matters to be brought before the Board of Trustees and its Committees. Subject to scheduling by the Director, the Association will have the right to be heard by the Trustee Committees, and with the appropriate Committee's approval may appear before the Board to state the position of the Association on a particular subject. Provision has been made for the staff of curatorial departments to be heard in connection with the selection of a new director of their own department, and for the staff of the entire Museum to elect representatives to be heard in connection with the selection of a new Director of the Museum.

All jobs and titles will be re-classified in a uniform manner, inter-departmentally. Members of curatorial departments will be entitled to periodic promotion reviews in which other professionals in their department will participate.

The Museum's management retains the right to determine the program as well as the size and deployment of the staff. In the selection of persons to be laid off in the future consideration will be given to relative seniority, but professional competence and ability remains a primary determining factor. The minimum period of notice has been increased to three weeks instead of two. The amount of severance pay to which a laid-off person is entitled has been somewhat liberalized but remains largely a discretionary matter of the Director.

A clause has also been included that the Museum will intensify its efforts to obtain increased financial support from the city, state and federal governments; if sufficient additional public support can be obtained the Museum will give further consideration to future reductions in program and staff which have been already planned.

CONCLUSION AND COMMENT

It is my belief that the resulting contract will benefit both the Museum and the entire staff regardless of whether or not an individual is a dues-paying member of the union. The Museum retains the essential and unchallengeable right to determine its program and the size of its staff. The provisions providing for automatic review and continuing improvement of professional capacities are important practices for the Museum to have clarified in order to function well and fairly. In particular, the procedure for automatic review, if used properly, can insure that professional standards are maintained and that a situation of "de facto tenure" is avoided. From the standpoint of the staff, there will now be standard procedures throughout the entire Museum for some personnel practices we have been following all along, but not uniformly. Formalizing these procedures, which should have been followed in all cases rather than a few, provides the staff with protection from overly personalized subjectivity and individual caprice. I think it is safe to say that the general feeling is that both the Museum and the entire staff, as well as the staff union, have gained as a result of the somewhat painful process of the last several months.

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The Professional and Administrative Staff Association of The Museum of Modern Art

11 West 53 Street, New York, N. Y. 10019

FACT SHEET

September 1973

Who We Are: PASTA/MOMA (The Professional and Administrative Staff Association of The Museum of Modern Art) was formed by members of the Museum staff in June 1970. In June 1971, following an election held under National Labor Relations Board supervision, we were certified as collective bargaining agent for all staff members not deemed managerial or represented by other unions (guards, electricians, projectionists, etc.). As Local 1, Museum Division, of the Distributive Workers of America, we are the first such union in any museum in the United States.

Currently, our bargaining unit comprises 70 percent of the Museum's total staff not represented by other unions, as against 30 percent in managerial positions. We include members of the curatorial staff and waitresses; librarians and secretaries; conservators and administrative assistants; editors, and bookstore and information-desk staff; bookkeepers and receptionists; etc., etc.--in short, the majority of those charged with carrying out the Museum's functions.

The Present Situation: Our first two-year contract with the Museum has expired, and we are now engaged in negotiating a second one. Our demands include not only adjustments in wages, pensions, health benefits, etc., but also the right to representation on the Board of Trustees and its Committees, so that our combined experience may contribute to the decision-making process.

After weeks of negotiating sessions, the Museum has offered virtually no increase in fringe benefits and an across-the-board increase in our present substandard salaries of only 5 to 5 1/2 percent -- far below the past year's rise in cost-of-living, which still continues to soar.

It is a fact that 28 percent of our bargaining unit make less than \$7,000. a year. 54 percent make less than \$8,500. per year; this means a take-home pay of substantially less than \$130. per week.

It is a fact that only 7 percent of our bargaining unit earn salaries of \$12,500. or more.

It is a fact that salaries of top management in the Museum have approximately doubled in the last ten years, while salaries of the remainder of the staff have increased by less than one third.

It is a fact that more than 75 percent of the entire professional and administrative staff are women, yet more than 75 percent of top management positions are held by men.

The Museum claims it wishes to recruit and retain the best possible staff, but refuses to grant merit increases (recommended by the management consultant firm it hired at huge expense several years ago).

The Museum has refused to permit us to participate in policy-making, but simultaneously refuses our demand for overtime pay on the grounds that we are "professionals."

(over)

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Why the Public Should Support PASTA/MOMA: We are committed to the concept that the Museum exists for the sake of the public.

We believe that the deficit of over \$1 million per annum that the Museum has sustained for the past several years was not brought about by the public or the staff, but by policies and decisions of the Trustees and successive Administrations. It is they who for many years have failed to build up adequate endowment and pension funds, and who continue to permit many wasteful practices in the Museum's operations.

We do not believe the staff should be penalized by receiving substandard salaries, or the public by having to pay larger admission fees.

Admission fees were recently raised, in order to net approximately \$65,000 for operating expenses in the next fiscal year. A proposed 33 percent increase -- from 75 cents to \$1.00 -- in the fee for senior citizens was rescinded only after PASTA/MOMA protested.

Membership fees: These constantly increase, while privileges decrease. Result: a decline in the Museum's total membership.

WE STAND BY YOU -- PLEASE STAND BY US! Write the Museum to express support for PASTA.

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Dear O,
their wages
undoubtedly should be
raised.

However don't give
an inch on their other
ludicrous CHAOS creating
demands. Osborn

too. If they do strike--as I believe they are prepared to do--

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Say —
Perhaps you can
tell me what more
can be usefully done
to help. I gather the
strike may be under way if there is still no settlement as
you receive this — and how are you ?? Send a very
long time. — — —
October 5, 1973
Gloria

Richard Oldenburg, Director
Museum of Modern Art
11 West 53rd Street
New York, New York 10019

Dear Mr. Oldenburg:

I am writing you in regard to the Staff Association of the Museum of Modern Art, and their efforts to establish a minimum wage.

Like the thousands of people who have responded to the facts of their situation, I am distressed that one-third of the Association's bargaining unit earns less than \$7000 per year, and that fifty-four per cent gross less than \$8500 annually. It is not surprising to know that these salaries reflect, at least in part, the fact that your Museum, like most others in the United States, has traditionally been staffed largely by women. But, unlike other disciplines, the history of art is a field which is numerically dominated by trained and qualified women. It therefore makes even less sense that there is not one major museum in this country directed by a woman. As manifested at your museum, this de facto discrimination means that seventy-five per cent of the present staff is comprised of women, but seventy-five per cent of the management positions are held by men.

I appreciate--as I know the Staff Association does, too--the difficulties of operating a cultural institution at a deficit of 1.6 million dollars. But it is no longer possible or desirable for museum professionals to subsidize museums by their own impoverishment.

Just as farm workers, domestics, clerical personnel, sales people and others are now insisting that the industries their work supports be reorganized in more humane and tolerable ways, the white-collar poor of the art world must insist on a change, too. If they do strike--as I believe they are prepared to do--

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way alone may we be able to create enough pressure for change.

I hope that the dispute will be settled as quickly and fairly as possible, and that pressure--from the museum public as well as the museum employees--will help you to impress the seriousness of this affair on others.

Sincerely,

Gloria Steinem
Gloria Steinem

cc: Susan Bertram
The Professional & Administrative
Staff Association
16 West 75th Street
New York, New York 10023

*Blanchette Hooker Rockefeller
1 Breckman Place
New York City*

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Museum of Modern Art Archives

The Museum of Modern Art

To Department Heads
From Richard H. Koch
Date August 11, 1972
Re

Herewith for your information a copy of a memorandum delivered yesterday to Susan Bertram, as Chairman of the Staff Association Program Committee, together with a copy of the final offer presented by the Museum to the Staff Association at our meeting on August 4, at which Dick Oldenburg was present.

Please let me know if you have any questions.

the substance of the offer we are entitled, as a matter of courtesy as well as of law, to be provided with an early response.

For the record, and to avoid any possible misunderstanding, I am attaching the details of our final offer as presented at the end of our meeting last Friday night.

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The Museum of Modern Art

To Susan Bertram, Chairman, Staff Association Program Committee
From Richard H. Koch, Chairman, Museum Negotiating Committee
Date August 10, 1972
Re

Bob Batterman has told us of your conversation on Monday afternoon in which you indicated that the Association would not be prepared to respond to the Museum's final offer, presented Friday, August 4, until the Association's attorney returns from vacation at the end of August. We consider this delay unreasonable.

Since we do not want to see the staff deprived of their salary increases and adjustments and fringe benefit improvements in order to accommodate the vacation schedule of the Association's attorney, we ask that the Association expeditiously respond to our offer. It is of course our hope that it will be accepted, and in that event we would propose an immediate joint announcement of the settlement. If, on the other hand, the Association rejects our offer, at least the issues will be clearly drawn. Regardless of your position on the substance of the offer we are entitled, as a matter of courtesy as well as of law, to be provided with an early response.

For the record, and to avoid any possible misunderstanding, I am attaching the details of our final offer as presented at the end of our meeting last Friday night.

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August 4, 1972

FINAL OFFER TO PASTA MOMA

1. a. Excluding all those staff members in the groups adjusted in paragraphs 2 and 3 below, 6 1/2% across the board for those earning less than \$7500 per year and 5 1/2% across the board for those earning \$7500 or more per year.
 - b. The minimum salary after completion of the probationary period shall be \$6100. The minimum hiring salary shall be \$5750.
 - c. Waitresses shall receive an increase of 10¢ per hour.
2. a. Curatorial Assistant - Minimum hiring rate shall be increased from the last published figure of \$6,500 to \$8,350. Incumbents to receive, as increases to their current salaries, \$350 on top of 5 1/2%. Alexandra Schwartz to go to minimum of \$8,350 effective July 1, 1972.
 - b. Assistant Curator - Minimum hiring rate shall be increased from the last published figure of \$8,500 to \$10,850. Incumbents to receive, as increases to their current salaries, \$350 on top of 5 1/2%. Carolyn Launchner to be reclassified as Assistant Curator at \$10,850, effective July 1, 1972. Pierre Apraxine to go to \$11,058.
 - c. Conservator - Minimum hiring rate shall be increased to \$8,050. Incumbents to receive, as increases to their current salaries, \$700 on top of 5 1/2%.
 - d. Senior Conservator - Minimum hiring rate to be established at \$9,500. Incumbents to receive, as increases to their current salaries, \$700 on top of 5 1/2%.

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In response to the Association's demand that certain administrative positions be classified for salary purposes in two groups, each with a stated job rate, the Museum proposes to institute the following system with respect to the jobs listed below, unless the Association prefers to withdraw its demand with respect to these titles and instead accept the general 6.5% - 5.5% across-the-board increase offered in Paragraph 1 (a) above.

Under this proposal the titles listed below would be classified in the A and B categories as indicated. The A category will have a job rate of \$8,750, and the B category a job rate of \$7,500. Incumbents will receive the job rate or their current salaries plus 3.8%, whichever is higher.

The 3.8% alternative, which is equal to the N.Y.C. increase in the CPI for the past 12 months, is intended to protect those incumbents who are earning close to or more than the job rates now to be fixed for their jobs. New hires will be informed that the above rates are the fixed rates for the jobs.

A

Film Study Center Supervisor
 Administrative Assistant - International Program
 Administrative Assistant - Architecture & Design
 Administrative Assistant - Exhibitions
 Assistant to Director - Development
 Assistant Production Manager - Operations
 Coordinator - Art Lending Service
 Administrator - Junior Council
 Permissions Editor - Publications
 Assistant to Production Manager - Publications

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B.

Program Assistant - International Program

Administrative Assistant - International Study Center

Administrative Assistant - Special Events

Administrative Assistant - Operations

Administrative Assistant - Purchasing/Services

Administrative Assistant - Chief Curator - Painting and Sculpture Collection

Assistant to Supervisor - Rights and Reproductions

Assistant to Coordinator - Public Information

Assistant Warehouse Manager - Registrar

Coordinator of Special Events - Membership

4. Health Benefits -

- a. Psychiatric coverage - Number of covered visits to be increased by 10% per calendar year.
- b. Maternity coverage - Benefit to be increased by 20%.
- c. Abortion-Vasectomy - Add coverage to a total of \$100 per calendar year for each.

5. Pensions - Employees who retired subsequent to the certification of the Association or who retire hereafter shall receive a minimum benefit, under the Museum's Pension Plan, including social security entitlement, of \$6,500 per year provided they have completed at least 25 years of service and have reached "Normal Retirement Age." The guarantee, for those with fewer years of service or of lower age at retirement, shall be proportionately reduced in accordance with the formulas of the Plan. Final average salary to be based on 4 year calculation rather than 5 years, effective July 1, 1973.

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6. Seniority - Article I (b) of the contract shall be amended to read as follows: "Staff reaching their 20th anniversary of employment on July 1, 1972 or thereafter shall receive a one-time salary increase of 2% of their base salary.

7. Merit Increases - The Museum reserves the sole discretion to grant merit increases in amounts not to exceed 10% of an individual's base salary.

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ELIZABETH SHAW

Museum of Modern Art Archives

The Museum of Modern Art

To Department Heads
From Richard H. Koch
Date June 15, 1972
Re

Herewith for your information a copy of the Staff Association demand letter dated June 12.

Negotiations are scheduled to begin on Thursday, June 22nd.

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MURRAY A. GORDON, P. C.
401 BROADWAY
NEW YORK, N. Y. 10013

MURRAY A. GORDON
MICHAEL J. HOROWITZ

JOEL FIELD
MARK K. BENENSON

(212) 966-1800
CABLE ADDRESS
"MURAGOR"

June 12, 1972

Richard Oldenburg
Acting Director, Museum of Modern Art
11 West 53rd Street
New York, New York

Dear Mr. Oldenburg:

Pursuant to the terms of the contract between the Museum and the Staff Association, herewith is submitted the position of the Association in regard to the "re-opener" items to be negotiated for the period effective July 1, 1972 - June 30, 1973.

The Association hopes that bargaining can begin at the very earliest date and anticipates a speedy and satisfactory conclusion to the bargaining.

1. Salaries

In the Association's view, salaries ought to be standardized to a much greater degree than is presently the case, and present wide differences in salaries now paid to people performing like duties should be eliminated; nonetheless, some variances should be permitted at the discretion of the Museum, in the form of merit awards. Some of the salaries paid to Museum personnel reflect not so much the fair value of their services as much as the fact that they began to work for the Museum as of a date when discrimination against women was overt and rampant, or that they began to work during a period of recession rather than inflation. In the Association's view, none of those factors should affect the basic principle that each person ought to be paid for the value of services he or she renders.

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Richard Oldenburg
June 12, 1972
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Accordingly, and as contemplated during the last negotiation, the coming contract is meant to begin the process of making more rational and fair the salary patterns of the various titles in the Association's bargaining unit.

Three overriding operating principles will govern the Association's thinking in connection with the establishment of fair wages:

First, in concert with the Belmont Report and the stipulated policy previously articulated by the Board of Trustees of the Museum of Modern Art, salaries for Museum professionals ought to be on a par with salaries of university professionals. In the Association's view, nothing less can be permitted lest the museum profession be at an increasing disadvantage in recruiting and retaining the best people.

The second Association premise is that certain titles, particularly the "Assistant" and "Assistant to" titles, should be terminated. Those titles were largely created, ad hoc, to permit the Museum to widely vary the salaries paid to people performing like duties. We had hoped and expected that the job analyses and reclassifications called for in the current contract might have ended this proliferation of assistant titles and have been disappointed. Further, the job descriptions were received too late for individual staff members to evaluate them, thus effectively making impossible the title appeal process called for in the current contract. Since delaying bargaining would be detrimental to the Association, we propose as an interim measure an across-the-board increase for certain titles.

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June 12, 1972
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Third, the Association intends to continue to assert the priority reflected in our first contract: to upgrade the salaries of persons at the low end of the wage scale. We do so on the fact that the cost of living in the City of New York is such as to require a minimum salary adequate for survival. Acknowledged financial problems of the Museum aside, we believe that the Museum will be sympathetic to the notion that it has a clear obligation to pay a living wage to those who work for it.

We propose to include, for the purpose of this contract, all challenged title positions currently in dispute.

With the above principles in mind, we propose the following wage scale for the following titles:

Curatorial and equivalent titles.

1. Curator

Step I	\$22,000
Step II	23,000
Step III	24,000
Step IV	25,000
Step V	26,000
Step VI	27,000
Step VII	28,000
Step VIII	30,000

2. Associate Curator; Senior Conservator;
Associate Registrar; Associate Editor;
Director of Production, Publications;
and other equivalent and technical titles

Step I	17,000
Step II	18,000
Step III	19,000
Step IV	20,000
Step V	21,000
Step VI	22,000
Step VII	23,000
Step VIII	25,000

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3. Assistant Curator; Assistant Registrar; Conservator; Research Associate; and other equivalent librarial and technical titles

Step I	12,000
Step II	12,750
Step III	13,500
Step IV	14,250
Step V	15,000
Step VI	15,750
Step VII	16,250
Step VIII	18,000

4. Curatorial Assistant; Editorial Assistant; and other equivalent librarial and technical titles

Step I	9,000
Step II	10,500
Step III	12,000

Increment steps set forth above to be reached after each year of uninterrupted service.

5. Assistant Titles

As indicated, we have been disappointed in the failure of the Museum to re-define the "Assistant" and "Assistant to" titles. Accordingly, we propose a two-track salary schedule, which we shall designate as the "Assistant A" and "Assistant B" titles.

Assistant A

Step I	9,000
Step II	10,500
Step III	12,000

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Assistant B

Step I	8,000
Step II	8,500
Step III	9,000

As of September 1, 1972, we propose that the Museum slot persons now filling "Assistant" and "Assistant to" titles into the "Assistant A" or "Assistant B" tracks, with a right of appeal of each individual before the Personnel Review Board, if the slotting has insufficiently recognized the level of skill and responsibility required of his or her position. As with the curatorial and equivalent titles, each increment step set forth above is to be reached after each year of uninterrupted service. The Association contemplates that the "Assistant A" and "Assistant B" tracks should also constitute the salary schedule tracks for other, similar titles not currently designated as "Assistant" titles.

6. Minimum Salary:

We call for a minimum annual salary for Museum staff other than restaurant employees at \$6,800.

7. Overtime:

For all non-exempt Museum personnel, overtime should begin after 35 hours, at time and a half with the option of the individual to take compensatory time equal to the number of hours worked overtime.

8. Merit Increases:

We propose that merit increases be available, at the sole discretion of the Museum, in an amount not to exceed 10% of the base salary, where the staff employee possesses skills meriting such recognition.

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Richard Oldenburg
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9. Seniority:

We propose that a 5% increment be provided for all persons, upon completing 15 years of service with the Museum.

10. Creation of an Equalization Fund:

We propose, and this is critical to the Association's position, that a sum in the amount of \$35,000 be set aside as an Equalization Fund. That fund is to be administered by the Personnel Review Board, pursuant to appeals of persons who believe that the salaries for their positions ought be brought into parity with other positions at the Museum. We propose that this Equalization Fund be utilized, this year and this year only, for the purpose of permitting the greater equity and standardization which, as indicated, we believe to be essential. The creation of an Equalization Fund will give to members of the staff an ultimate right of fair appeal regarding salaries.

11. Across-the-Board Increases:

We propose that for those persons not covered by the above a seven (7%) per cent across-the-board increase be granted.

11. Pensions

We propose the following with respect to the Museum pensions:

1. Establishment of a one-half pay, 20-year pension with payment to begin at age 55.
2. Maintenance of vesting after five years of service.
3. Coverage of all persons who retired after January 1, 1965 under the terms of the pension as revised and adopted as a result of this negotiation.

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III. Health Benefits

1. Annual medical check-up, if so desired, by staff member's personal physician.
2. Increased psychiatric coverage to be provided up to a maximum of \$1,000 per year.
3. Abortion and maternity coverage to be provided equally for unmarried and married women through current insurance policy. Maternity benefits to be increased to a maximum of \$1,500. If Museum wishes to self-insure, an appropriate procedure must be established to assure confidentiality of applicants and applications with respect to Museum employment personnel.

IV. Challenged Titles

We have included appropriate demands for the challenged titles whose status with respect to the Association is as yet undefined. We anticipate that their rights will be protected.

* * * *

The above represents a carefully discussed series of proposals which the Association believes to reflect the needs and priorities of the staff.

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Richard Oldenburg
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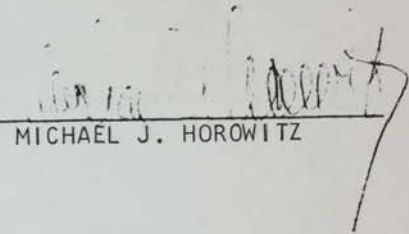
We know that they will take a measure
of time to be digested. Please call if there are any questions
and please let us know the dates on which bargaining can seriously
begin.

Very truly yours,

MURRAY A. GORDON, P.C.

MJH:RWR

BY


MICHAEL J. HOROWITZ

BY HAND

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FILE
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The Museum of Modern Art

To Office Staff

From Richard E. Oldenburg and the Staff Association Program Committee

Date December 20, 1972

Re Implementation of 5.5% of the Reopener Settlement

As you know, the settlement reached in salary reopener negotiations between the Museum and the Staff Association must be approved by the Pay Board before it can be fully implemented. The overall settlement has been computed as 7.1% in Pay Board terms, and because this exceeds the current guideline of 5.5%, the excess 1.6% can be paid only with Pay Board approval.

The Museum has the right, however, to implement the allowable 5.5% without advance approval, and since our respective attorneys have advised us that doing so would not jeopardize our application for the remaining 1.6%, we have agreed to give immediate effect to the permissible increase, retroactive to July 1, 1972. Those scheduled for a 3.8% increase, and those scheduled to receive 5.5%, will receive the full amount due them. Those entitled to 6.5%, and those in categories for which special adjustments were negotiated, will receive 5.5% now, with the balance to await action by the Pay Board. Both the Museum and the Association are making every effort to expedite Pay Board clearance of the remainder of the increases agreed upon.

Retroactive increases for those on the bi-weekly payroll will be included in the salary checks which they will receive on Friday, December 22; for those on the monthly payroll, the increase will be included in the checks which they will receive on Friday, December 29.

Since the Payroll Department is working under great time pressure to meet these deadlines, please do not call them with questions about the increases until after you have received your checks. To answer questions you may have in the meantime, there will be a Staff Association meeting in the Founders Room at 12:00 noon on Thursday, December 21.

REO/mvk

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QUESTIONNAIRE

TO: The Staff

FROM: Joint Association-Museum Committee on Orientation and In-House Education:
Nancy Karumba, Jerry Matherly, Jane Necol, Richard Tooke, Jean Volkmer

DATE: May 1, 1972

PURPOSE OF QUESTIONNAIRE: The contract between the Staff Association and the Museum includes provision for a program of in-house education which staff members may attend 3 workdays a year. The Committee, which is looking into ways to implement this provision, has some idea of the kinds of programs needed but would like suggestions from the entire staff. Listed below are some programs we have thought of. Please indicate if any of them interest you, and then add other programs that would especially interest you or help you in your work. Include an estimate of how much time you think should be spent on each program. Please bear in mind that the Committee is also setting up a regular orientation program for new staff members, and a manual on the Museum, its procedures, etc.

History of the Painting and Sculpture Collection

History of the Drawings and Prints Collection

History of the Architecture and Design Collection

History of the Photography Collection

History of the Film Collection

Former Collections (Folk Art, Music, Dance, WPA)

How an art book is assembled

How to care for your collection

How to use the Library

Introduction to Modern Art

Museum Archives of special interest

Museum Computer Network

Techniques in paper conservation

Suggestions: (use reverse of page if necessary)

Please return your questionnaire to
a member of the Committee by May 15.

name and/or department

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The Museum of Modern Art

To Office Staff
From Richard E. Oldenburg
Date April 24, 1972
Re

I am happy to report that the Internal Revenue Service has approved the joint application of the Museum and the Staff Association for permission to make payment of the full amount of the salary increase provided in the contract covering the Local 1 bargaining unit. As you know, the portion applicable to the period of the three-month wage freeze, August 13, 1971 to November 12, 1971, had to be withheld temporarily pending government approval.

Payment of the retroactive increase will be made at the earliest possible date, hopefully with the next salary checks.

REO/mvk

the village VOICE, August 26, 1978 ARCHIVES

MOMA strike

Can you be both modern & a museum?

by Robin Rivkin

It's like being the Lancashire cotton mill workers," said the young woman. "We work in 19th century situations and want to unionize for the same reasons they did—to end exploitation and a system where your job depends on grace and favor." I thought, The woman was elegantly dressed, her accent aristocratic, her private office all glass and windows and paintings and charm. But her boss, the Museum of Modern Art, still operated in ways that sometimes seemed to belong to another era. Its curators described the museum's operation in terms of feudal fiefdoms and court intrigue, of noblesse oblige and benevolent patronage. Of grace and favor.

"Machiavelli's 'The Prince' has been the operating manual of the museum," said one employee. The museum has David Rockefeller as chairman of the board and William Paley as president. It is, as one staff member observed, "ruled by the people who rule this world."

The problem in the palace was that the younger staff members, often better educated than their bosses, "no longer get their sense of achievement by going to parties at Potomac or to the dinner tables of the trustees," one of them explained. Their complaint was not with the trustees, but with the fact they felt they didn't have access to them, that only department heads and a few others represented issues to the trustees, and that they were seeing the museum they loved deteriorate, but risked losing their jobs if they spoke out.

So the workers of MOMA united. With a great deal to lose, they demanded a much larger role in the museum's policy-making. Last June they did what they claim no other American art museum's professional staff has ever done: they voted to unionize. Early in the month management announced large-scale firings "for financial reasons." And last Friday the union went on strike to protest the firings.

The staff members hope their union will make the museum they all love so much serve the public better, and their struggle raises questions about the role of the museum and of art. Will the Modern become an obsolete "mausoleum of modern art," as artists have called it, a mere storehouse of treasures, or will the museum reach out and directly affect people's lives?

The New Yorker once observed that most of New York's institutions, like the Metropolitan Museum of Art, could be found anywhere, but a few—Paley Park with its concrete lawn and high-decibel waterfall, and the Museum of Modern Art—could exist only in New York. Like many great American museums, the Metropolitan was founded a century ago by men who believed there were scarcely any more great works of art to be bought. Since European museums had nabbed most royal houses' art treasures, and that therefore American museums would not be primarily collectors or repositories of art treasures, but rather educational tools for the public and for artists.

The Modern, on the other hand, was founded at a time when most Americans didn't even consider the works it planned to collect "art." It had to educate people to think of film or photography as art, and to preserve early film works. When it held a machine art show in 1934 with a ball bearing on the cover of the catalog, a cartoon quipped: "Don't throw out your old ink faucet—give it to the Museum of Art." It was not just the first place, but for many years the only place where 20th century art was shown. "I was the first place where 20th century art was shown," said Arthur Drexler, head of the museum's architecture and design department. The museum was not merely educational; by its mere existence, it changed the course of art in this country.

The museum was beloved by the social elite who created it. It was founded by Abby Rockefeller, Abby's husband John D., and inherited by Abby's sons David and Nelson. It was beloved by artists, who were glad to work there even as guards or janitors. For decades the staff was small, and unwilling to donate their time for low salaries. The museum was led by the brilliant team of Alfred Rese and Harriet, the "tastemakers," and trator. But the museum, founded in 1929, in the 1960s, the directing

A link broke. It's January 1978 and the Art Workers Coalition (AWC) is releasing a strike bulletin. The AWC is a group of artists sitting in front of the museum. They are calling the museum the "mausoleum of modern art" and

heads keep an iron hand on the staff, that's how the director keeps an iron hand on department heads, that's how the Board of Trustees keeps an iron hand on the museum director and staff.

The museum was in factions. Department heads warred. Top officials from the painting and sculpture and the architecture and design departments argued, shouting, in front of a startled staff over whose exhibit should get the larger (or the most significant) One of the most distinguished (and outspoken) staff members is summarily fired—"for financial reasons"—and promptly replaced with someone with almost no experience in the field but with connections at the museum. Grace and favor.

Young staff members urge support to living artists—"art is less and less about objects you can place in a museum," explains associate curator Jennifer Leach—or suggest small exhibits "that raise questions." Meanwhile, department heads plan another major Picasso show, provoking comments: "We all know he is a great artist. The museum is a mausoleum, proving again and again how great Picasso is."

In 1969 Bates Lowry, the director who followed Harriet's long reign, was fired by some of the same smiling men he thought supported him. "I don't think he understood that anyone in the world such evil existed as existed in the Museum of Modern Art," said one staff member. Lowry's tenure was not helped by his inexperience: when he said the name of a man he had interviewed and refused to hire on, the subsequent curator, he phoned the trustee who had hired the man and said that as long as he was director he didn't want to have to look in the staff news to see who was hired. Newsweek also reported that some trustees were irritated that Lowry didn't give parties in the apartment they bought for him.

"If it had been done by Seventh Avenue manufacturers, so what?" said one staff member. "But these are the men who decide whether we stay in Vietnam or get out, what is shown on television and in our newspapers, what countries get loans and what don't." Reverberations were felt in the business worlds the trustees rule. Ralph F. Golin, a museum trustee and vice president who had vigorously opposed the manner in which Paley handled Lowry's firing, was in turn fired as CBS's lawyer—a position he and his firm had held since 1957.

The trustees finally hired John Hightower, successful director of the New York State Council on the Arts, a Nelson Rockefeller creation, as the new director. Hightower seemed startlingly "in" with the times; he was appointed after he wrote an article describing future museums as computer terminals and in which he, as he put it, "saw the museum as how art museums might be obsolete."

In an interview with the Christian Science Monitor, Hightower observed that taking a turkey out of the oven at Thanksgiving was "an artistic experience. I mean it," and confided that the idea of stopping in front of a painting to gawk really turned him off. He also supported the view that museums must move from "class culture to mass culture."

But it was too late to end staff unrest merely by putting a man who talked of bringing art to the masses into the MOMA hot seat. Too many forces had come together. Trained in art history far more than their supervisors, professional in outlook, many of the younger staff members "started taking serious what they've been taught in school," one staff member explained. "They weren't interested in pulling around with the rich and looking down on workers," said another. "This glorified selfishness of being an aristocrat doesn't work any more." The situation, they said, was worse than that at universities under siege.

"At least when you're teaching, when you're before your class you have intellectual independence. At the museum you can never escape the interference. Many of the people in high positions were not trained, serious people. They would do anything—lie, cheat—to maintain their power."

"Grace and favor," "personal benevolence," finding your "own" trustee and currying favor with them were the way up. There was the feeling "you can't disagree with someone intellectually—you can only hate and want to do him in." Stephen Edelson, a custodian, compared the atmosphere at the museum to the court of Louis XIV. "He used to live off at a time when the museum and its members had all the power and he seized the power from them by introducing intrigue in the court, by introducing competition in dress, by showing favors to mistle jealousy. He so demoralized the barons that instead of continuing in power by working together, they were inevitably split apart and he seized power under their noses. That's how the Museum of Modern Art works. That's how department

show, there was nothing anyone telling you where Frank Stella was born or anything about him or about the paintings on the wall," said one staff member. "If you wanted to find anything about what you are looking at, you had to buy a book—which was about \$7.95 soft cover and \$12.95 hard cover."

Members have received a newsletter, with some information about shows, but this is being discontinued. One of the museum's most distinguished staff members tried to dissuade one of the trustees who was actively involved in running the museum a year ago from doing this by pointing out "it's the only thing the members get."

"What do you mean it's the only thing they get?" he fumed. "They get invited to openings and parties."

"I mean," she replied, "about the content of the museum." Such "democratic" staff members feel, should not be made by just the "super-rich." Or as David Livingston, president of District 65 of the United Brotherhood of Carpenters and Joiners of America (UBA), put it when asked if his union would support the museum staff association's bid to be recognized: "I can support the democratization of the Museum of Modern Art."

I think that last year many of us would have faintly if we'd known that within a year we would vote to affiliate with a union," said one staff member. Words like "democratization" and "union" were considered, well, distastefully blue collar.

What happened? The management helped radicalize the staff, moving it, step by step, into a situation where the staff felt forced to unionize. It began slowly. It began with management offering things that seemed to involve the staff in decisions, that seemed to answer staff demands, and "ask for" and "take" council. Things like "curatorial councils" and "task forces"—and even outside business consultants to see whether the staff's salary scale was fair—were the tools of democratic bureaucracy, all irritating and frustrating the people they were supposed to satisfy.

The curatorial councils, created several years ago, spent a year preparing reports to the trustees about every aspect of the museum. The reports were sent into drawers for months—literally—before they were passed on to the trustees. A salary evaluation, without the knowledge of a curatorial council which had also been given that task, was outside council territory.

On June 4 all ambiguity about whether PASTA really represented the staff was ended, when the staff of the PASTA Division of the DWA, was born. Early this month, the museum started firing 35 positions, including 36 union jobs, and gave notice to 16 people represented by PASTA, including the head of the union, Patricia Johnson. Some of these people were told to be gone by last Friday, and PASTA members voted a three-to-one margin to strike if they were not retained. PASTA also felt management was deliberately delaying negotiations and that it had faith Friday afternoon, PASTA members walked off their jobs. Guards and others still are working, so the museum is open.

The average salary for the people PASTA represents, "some of the privately trained personnel in the art world," is \$7071, said Michael Horowitz, PASTA's lawyer. But with years of large deficits, MOMA pleads poverty, predicting a deficit of \$1.3 million for this fiscal year. Hightower wrote employees that if the trend toward growing deficits was not reversed, by 1978 the museum would "have no alternative to closing our doors."

Employees stressed that they did not unionize against the trustees. Yet the way trustees operate in the private museum—and the way the rich own culture in America, own it and control artists' success as one might control a business—is worth observing.

Last winter's enormously successful MOMA show of works that had been owned by Gertrude and Leo Stein, many of the paintings were owned by museum trustees. David Rockefeller, Nelson Rockefeller, John Hay Whitney, and William Paley had acquired Picasso that once were Gertrude Stein's with the help of the museum. The museum's curators had heard that, with the death of Alice B. Toklas, the remainder of the valuable Stein collection was coming on the market and would be sold as one rough lot over several months. They were appalled, and Paley told Hightower to settle. The 12 were rehired.

After the near-strike at Christmas time, the museum and PASTA entered what PASTA called "negotiations" and the museum called "discussions." Management wanted to exclude curators and even associate curators from participating in the staff association's side of the discussions.

People who'd been in the museum suddenly found out they were "management," one associate curator recalled. The next day, delays and finally management suggested joint management-employee task forces to work out problems as an alternative to a public—until the staff's overwhelming protest caused the firm that decision. It raised the administration price of a petition to about 300 employees, who were not informed of the decision until it was about to be implemented. Wall labels at museum exhibits were missing or minimal at exhibits. At the Stella

showing body. So finally PASTA walked out of the "discussions" and voted in April to affiliate with a union, District 65 of the DWA.

President Livingston growing demands for public service, put out \$6 million for one Velazquez, and which once overzealously had two representatives at an auction bidding against each other. But this system is also necessary—because the MOMA has no endowment funds for the acquisition of paintings. It must come in hand to trust in other sources of capital, for every purchase. But the fact remains that this interdependent relationship also works to the advantage of the trustees, as museum curators become de facto advisers and scouts for their trustees. Showing these purchases in the museum then enhances their value enormously. "Help your rich trustees get richer. It's called speculation," one museum employee commented.

Even the most cynical would not claim that trustees join the museum's board for financial gain, even if it is an incident by product for a few of them. (With recent restrictive changes in tax laws, the practice of the wealthy of giving paintings to museums may decrease.) Most trustees probably give far more money than they gain, but they also have far more power in the world of art than many artists feel is reasonable.

While the trustees of the Metropolitan met with members of the Art Workers Coalition, the trustees of the Modern, a private institution, refused even to listen to this artists' group. "They feel it's their own thing, their Cosa Nostra, and nobody else's business," observed one artist (whose name was not given).

Some museum staff members and artists feel annoyed at the trustees' cavalier use of power and their taste, a favorite story being Paley's comment, "Why don't we have a Monet show? I've always loved Monet." Some feel annoyed at the trustees' power to suppress shows, the way David Rockefeller didn't allow the showing of an architectural exhibit on the Columbia University area. (He owned real estate in the area.)

At the Guggenheim this spring, PASTA's objections against the museum's curatorial independence. An exhibit of Photos, by Hans Haacke, of slum property was cancelled and the curator responsible was fired. The photos were accompanied by cards indicating who owned the slum properties.)

Arthur Drexler, head of the architecture and design department, feels many of the staff associations are complaints—outlets for the salary area—are not well founded. "Many of the junior staff members are behaving like very spoiled children," he said. In the last three years many exhibitions, including some of the most expensive ones, were done by the younger curators. Department heads have not only championed their cause but raised funds for them. There's no way of setting up a law saying people's opinions have equal weight, because people's opinions don't have equal weight.

The objections to the Picasso show seemed "preposterous" and "slightly barbarous" to Drexler. "It's like saying, 'I've heard Bosch. I don't want to hear him any more.' It has been many years, he added, since a major Picasso show.

Drexler felt staff members do have access to decision-making. Trustee committees participate in decisions and can veto decisions made by the staff, and they "should have that right," he said. "They're paying for it. If someone else were paying for it, they should have the right. Art is no different from any other human enterprise. When it was the Church, the Church decided. When it was Caesar, Caesar decided. Today it's businessmen, and they decide."

This does not mean they ride roughshod over curatorial decisions. Our board of trustees is the best in the world," he said, pointing out that many trustees were well qualified to judge art works.

But many in the art world feel that the sole role of "enlightened capitalism" is that MOMA is a learning product—must end. Many end from financial need, and if museums are to fulfill their purported educational role and bring art into the lives of the masses, before becoming MOMA's director, Hightower wrote an article predicting that in the 21st century most art exhibits would fill the streets, and a "staggering array" of art would be brought directly to the people in an expansion of the museum's functions.

At present, with many private American museums in financial crisis, there is danger that cuts in professional staff and educational services may convert some museums into, as Horowitz, PASTA's lawyer, put it, "just places where walls objects will be hung."



MOMA is having LABOR PAINS

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The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

No. 104

Wednesday, August 25, 1971

Museum of Modern Art Archives

MUSEUM GALLERIES OPEN DESPITE STRIKE

The Museum of Modern Art galleries, bookstore and offices are open despite a strike called by members of Local 1, Museum Division, Distributive Workers of America, representing part of the Museum's professional and administrative staff, on Friday, August 20 following the breakdown of collective bargaining negotiations. Essentially the union refused to accept program and staff reductions mandated by the gravity of the Museum's financial condition. Other unions with which the Museum has contracts are continuing to work, and the Museum intends to remain open and in full operation, notwithstanding the strike.

At a press conference held Friday afternoon, John B. Hightower, Director of the Museum, said that the Museum was willing to resume negotiations at any time and that until the strike was called negotiations, in process since June, had been very constructive. Considerable progress had been made in several specific areas, including research and sabbatical programs for the professional staff, tuition reimbursement for outside education and an internal educational orientation program for the entire staff. Fruitful discussions were also held in relation to a broad range of personnel policy issues including leaves of absence, vacation, health and insurance benefits and working conditions, he said. In addition, the Museum had proposed a comprehensive plan for the implementation of job evaluations and advancement and a basic salary increase for the entire staff, to which the union failed to respond.

"Eliminating positions is an extremely painful step," Mr. Hightower said, "but it is important to keep in mind the fact that the size of the Museum staff increased enormously in the past five years despite the fact that the program did not increase proportionately. For example, in June of 1966 we had a total staff of 295

(more)...

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men and women. In June of 1970 it had grown to 539, an increase of almost 82 percent. In August of 1971 it was down to about 440. The anticipated elimination of approximately 50 positions will take place during the next 14 or 15 months and will be accomplished partly by not filling open positions and wherever possible by normal attrition."

The program and staff reductions, announced to the entire staff August 4, are part of a two-pronged effort to reduce expenses and increase income, without undermining essential services to the public. While active campaigns are now underway to increase substantially the endowment of the Museum and to raise the level of annual giving from corporations and private individuals and actively seek government funds, the reductions are necessary as the direct result of the Museum's financial situation, similar to that of many other non-profit institutions in this country. The Museum has been operating at a deficit since 1966-67, which now, even with program and staff reductions, is projected at \$1.3 million for the current fiscal year. "If we had done nothing now to reverse this trend," Mr. Hightower said, "we would have had to face the harsh prospect of closing galleries and eliminating vital services to the public, as other institutions have done recently."

The program reductions, arrived at after lengthy discussions with staff members and Trustees, will reduce costs by substituting exhibitions from the Museum's unparalleled collections in place of some of the expensive temporary loan shows that involve numerous extra expenses such as transportation, insurance, registration, and other necessary activities that go into the making of a loan exhibition. Beginning in the fall of 1972 the Museum is planning to mount four large loan shows each year instead of eight or nine. The smaller, less expensive and frequently experimental shows will be kept at about the same level as in the past. The character and balance of the Museum's exhibition program will remain unchanged.

(more)...

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As large exhibitions have to be planned many months in advance, the results of re-focusing the program will not be fully effective for some time. Positions will be eliminated gradually as the program is reduced so that the work load on the staff will not be increased.

Other reductions in expenses and staff will result from the curtailment of certain services which are not vital to the essential functions of the Museum including: the Members Newsletter, which has been suspended since the fall of 1970, will not be re-instituted and the art advisory service to corporations which has been suspended for the time being. While lectures, conferences and other educational special events will continue, events not particularly and directly related to our program will be reduced to a minimum. Some program and service departments have been consolidated to eliminate overlapping duties. Further reductions in such service areas as finance and administration, registration and custodial will evolve from these various program cuts.

The Museum, a privately supported institution, receives no regular assistance or subsidy from public funds as do many museums around the country with the exception of occasional and specific grants from the New York State Council on the Arts. None of the proposed reductions will jeopardize or alter the essential character of the Museum. "Similar to other institutions throughout the country the Museum is forced to cut back. Unlike the Brooklyn Museum and the Metropolitan, which recently closed galleries to the public, we are making every effort to avoid this. The Museum, as always, will remain open to the public seven days a week and all galleries continue in active operation," Mr. Hightower emphasized.

"Careful consideration," he said, "has been given to maintaining those activities and services, such as archives, conservation, library and basic cataloging which are less visible to the public than exhibitions but which we recognize as essential to the Museum.

(more)...

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"In several areas, notably publications and education, the latter under the guidance of the newly formed Trustee Education Committee, we hope that we will be able to increase our activity as the hectic pace of temporary loan shows lessens.

"We are convinced that these steps will not only stabilize our financial condition but allow the Museum to continue as the vital institution it has always been."

Additional information from Elizabeth Shaw, Director, Department of Public Information, The Museum of Modern Art, 11 West 53rd Street, New York, New York 10019. Telephone: (212) 956-7501/7504.

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Yto Dine

The Museum of Modern Art

Museum of Modern Art Archives

11 West 53 Street, New York, N. Y. 10019 Tel. 956-6100 Cable: Modernart

John B. Hightower
Director
Tel. (212) 956-7502

August 27, 1971

Dear Contributing Member:

As you may know, there has been a strike action taken against The Museum of Modern Art by members of Local No. 1, Museum Division, Distributive Workers of America. As a result, I wanted you to have an explanation of the reasons for the strike as I see them and to elaborate on the announced reduction in program and staff which preceded the staff union's decision to walk out.

The strike of the staff union, consisting of some of the professional and administrative personnel, is the unfortunate result of a breakdown in collective bargaining negotiations which have been in process since June between the Museum and the union. The principle and most immediate issue of the strike is the announced elimination of 36 positions within the staff union. Essentially the union has refused to accept program and staff reductions mandated by the gravity of the Museum's financial condition.

Eliminating positions is an extremely painful step, but it is important to keep in mind the fact that the size of the Museum staff increased enormously in the past five years despite the fact that the program did not increase proportionately. As an example, in June of 1966 we had a total staff of 295 men and women. In June of 1970 it had grown to 539, an increase of almost 82 percent. In August of 1971 it was down to about 440. The elimination of positions will take place during the next 14 or 15 months and will be accomplished partly by not filling open positions and whenever possible by normal attrition.

These staff and program reductions are part of a two-pronged effort to reduce expenses and increase income without undermining essential services to our members and the public. While active campaigns are now underway to increase substantially the endowment of the Museum and to raise the level of annual giving from corporations, foundations and private individuals, and to seek support from the government, the reductions are also necessary as a direct result of the Museum's financial situation

continued

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which is not unlike that of many other non-profit institutions in the country. The Museum has been operating at a deficit since 1966-67, which now, even with program and staff reductions, is projected at \$1.3 million for the current fiscal year.

The program reductions, arrived at after lengthy discussions with staff members and Trustees, will reduce costs in a number of ways. Most significant will be the substitution of the Museum's unparalleled collections in place of some of the expensive temporary loan shows that involve extra expenses of transportation, insurance, and registration. Beginning in the fall of 1972 the Museum is planning to mount four large loan shows each year instead of eight or nine. Smaller, less expensive and frequently experimental shows will be kept at about the same level as in the past. Moreover, the character and balance of the Museum's exhibition program will remain unchanged.

Careful consideration has been given to maintaining those services which are essential to our members. With the exception of the Members Newsletter, you will be receiving the same privileges that have been extended to you in the past.

We greatly regret any inconvenience you may be caused by the strike and trust it will not interfere with your enjoyment of the Museum and its exhibitions. I feel confident that the steps taken by the Museum to reassess the scope and priorities of its programs will strengthen the institution for the future and insure its commitment to the arts of our time.

We hope we can count on your continued interest and support.

Sincerely,

John B. Hightower
Director

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PASTA / MOMA ?

PASTA / MOMA !

WHO ARE WE?

Members of The Professional and Administrative Staff Association of The Museum of Modern Art -- 70% of the Museum's total staff not represented by other unions, as against 30% in managerial positions. We include members of the curatorial staff and waitresses; librarians and secretaries; conservators and administrative assistants; editors, and bookstore and information-desk staff; bookkeepers and receptionists; etc., etc. -- in short, the majority of those charged with carrying out the Museum's functions.

WHY ARE WE STRIKING?

Our contract expired June 30, and after 14 weeks of negotiations, the Museum's Administration has remained intransigent on the money issues, and has summarily rejected our requests in other areas. A mediator from the State Mediation Board is attempting to arrange a settlement. This would require some compromise on both sides. So far, the Administration has refused to meet us halfway.

WHAT DO WE WANT?

- 1) A substantial across-the-board increase in salaries and raising of the present \$6100 minimum to \$7200.
Although food prices alone in New York City rose 17.6% since August 1972, the Administration has offered only a 5.5% across-the-board increase. Take home pay for many in our bargaining unit is \$88 per week; 54% take home less than \$130 per week.
- 2) Participation in policy-making by representation on the Board of Trustees and some of its Committees: 1 staff member on the 40-member Board of Trustees and 1 staff member on each of 7 Trustee Committees.
Although the Museum refuses to pay us overtime because we are "professionals", it refuses to let us contribute our experience in deciding its policies and programs.
- 3) Inclusion in our bargaining unit of a number of staff members holding so-called "disputed titles", among them many of PASTA/MOMA's founders and staunchest supporters.
Although the Administration claims they are "supervisory", their seniority is professional, not managerial.

URGE A FAIR SETTLEMENT! WRITE IN SUPPORT OF PASTA/MOMA TO:

Richard E. Oldenburg
Director
The Museum of Modern Art
11 West 53rd Street
New York, New York 10019
(212)-956-7502

Mrs. John D. Rockefeller 3rd
President, Board of Trustees
The Museum of Modern Art
11 West 53rd Street
New York, New York 10019
(212)-956-7275

William S. Paley
Chairman of the Board
The Museum of Modern Art
c/o CBS
51 West 52nd Street
New York, New York 10019
(212)-765-4321

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION
OF THE MUSEUM OF MODERN ART

W H Y ? ? ?

Why is the Museum so afraid of fact-finding that it turned down PASTA/MOMA's offer to return to work contingent upon the issues being submitted to a fact-finding panel empowered to make non-binding recommendations?

Can it be because such a panel might probe for the answers to the following questions we have raised, for which we have received no reply:

WHY does the Museum's management payroll (40 salaries) total nearly \$1 million, while the payroll for the professional and office staff (170 salaries) totals only \$1.2 million?

WHY did the Museum give those in management a 5½% increase (averaging more than \$1,000 per capita), and offer the same increase to the remaining staff (averaging \$380 per capita)?

WHY is the Museum unconcerned that 1/3 of the professional and office staff earn less than \$7,000 per year, and 54% gross less than \$8,500 annually?

WHY has the Museum refused to offer these employees an increase that at least equals the rise in the cost of living (reported as 7.2% by the Bureau of Labor Statistics since August, 1972)?

WHY did the Museum, over the past three years, put \$850,000 from its endowment into the funding of a pension plan, with \$700,000 attributable to management pensions (40 titles), and \$150,000 attributable to those not in management (170 titles)?

WHY did the Museum, in the same three year period, substantially reduce its programs, and lay off thirty-six employees for financial reasons?

WHY has the Museum, in this period, refused to grant merit increases to bargaining unit employees, even though they were recommended by management personnel?

We may also add:

WHY has PASTA not received the data promised its negotiating team on the Museum's excessively high annual rate of employee turn-over -- not only those at the bottom of the salary scale, who are obviously considered expendable, but also resulting in the loss during the past year of five highly qualified personnel from the crucial Department of Registration?

WHY has the Museum, since its founding in 1929, built up an endowment, as it constantly laments, of only \$20 million, when its Board of Trustees has for years included three Rockefellers (Gov. Nelson A. Rockefeller, a former President of the Board; David Rockefeller, former Chairman of the Board; Mrs. John D. Rockefeller 3rd, its present President); John Hay Whitney; William S. Paley (present Chairman of the Board); William A. M. Burden; etc.

URGE THE MUSEUM TO ACCEPT FACT-FINDING! WRITE TO:

Richard E. Oldenburg
Director
The Museum of Modern Art
11 West 53rd Street
New York, New York 10019
(212)-956-7502

Mrs. John D. Rockefeller 3rd
President, Board of Trustees
The Museum of Modern Art
11 West 53rd Street
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(212)-765-4321

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	PASTA	4

MOMA
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FILE

(PLA)

The Museum of Modern Art

To The Entire Staff

From John B. Hightower

Date August 4, 1971

Re

The subjects described in the attached memorandum on a subject of great importance to all are currently being negotiated with the Staff Association. Further comment on the status of these negotiations will be forthcoming from the Museum and the Staff Association Negotiating Committee.

Discussions will also be held in due course with the other unions whose members will be affected.

an Ad Hoc Committee after consultation with members of the curatorial staff. The Trustees have given considerable attention to these matters and understand completely the gravity of the decisions that must be made, and it is their firm belief that action albeit extremely regrettable and difficult is necessary at this time if the Museum is to be strengthened for the future.

As many of you may recall, the Ad Hoc Committee recommended that first claims on the Museum's capacities be assigned to: (1) preserving the works in its collections and making them visible; (2) mounting exhibitions; (3) producing publications; and (4) providing an educational program. "In order to accomplish these priorities," the Committee's report concluded, "not only must Museum operations be as economically efficient as possible, including cost reductions wherever possible, but total income must also be increased."

Under the guidance of the newly-formed Trustee Development Committee, active campaigns are now underway to increase substantially the endowment of the Museum and to raise significantly the level of annual giving. But even if these objectives, as now estimated, are fully achieved, and combined with such added savings as the possible renting-out of our office building at 27 West 53rd Street as well as a severe cutback in special events held by the Museum, they cannot alone eliminate the projected deficits or secure the Museum's future. A curtailment of the Museum's program, until our financial problems are solved, is also essential.

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The Museum of Modern Art

To The Entire Staff
 From John B. Hightower
 Date August 4, 1971

It is clearly no secret to anyone that The Museum of Modern Art has been and still is in critical financial difficulty. It is also no comfort that other institutions throughout the country are in similar circumstances. We have been operating at a deficit since 1966-67, when the loss was \$128,000. In subsequent years the deficit has been increasing at such a rate that it quite literally jeopardizes the essential character of the institution. The projected deficit for our current fiscal year is \$1,300,000. If we do nothing to arrest and reverse this trend, the Museum will, by 1978, be spending half again as much money as it receives and have no alternative to closing its doors. The solution is simple and obvious, but not at all easy: we must increase our income and reduce our expenses. The purpose of this memorandum is to report to you how we propose to achieve these objectives through steps consistent with the priorities approved by the Board of Trustees, following recommendations made by an Ad Hoc Committee after consultation with members of the curatorial staff. The Trustees have given considerable attention to these matters and understand completely the gravity of the decisions that must be made, and it is their firm belief that action albeit extremely regrettable and difficult is necessary at this time if the Museum is to be strengthened for the future.

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Towards this end, I have been consulting for some time with a number of people in our curatorial and service departments. Their cooperation and their counsel have been invaluable. As a result of these discussions, I am convinced that, while many of our activities will have to be reduced in scope and volume, the Museum will remain the lively and influential force in the world of modern art that it has always been. The reductions to be put into effect have been broadly conceived and carefully formulated to provide for maximum effectiveness throughout the Museum's programs. Careful consideration has been given to maintaining those activities and services, such as archives, conservation, library and basic cataloguing, which are frequently less visible to the public but which must be recognized as essential to the Museum.

As you all know, steps have already been taken to reduce the hectic pace of our temporary exhibition schedule and focus more thoughtfully on exactly what our 53rd Street and travelling exhibitions, both national and international, should be in order to fulfill the purposes of our charter. The collective thinking of a great many members of the staff has been extremely helpful in making this decision one that can result in more effective use of our resources. There have also been carefully thought out suggestions that there may actually be advantages to reducing the number of temporary exhibitions - by as much as 50% to 75% of the present schedule.

A reinstallation of our permanent collection is being planned, and discussions are now underway with a number of the staff concerning the direction this should take and how it can most effectively be accomplished. One of the objectives is to put our collection to greater use, as has been done recently with such shows as The Artist as Adversary and Ways of Looking.

A refocusing of our educational aims and programs is also being undertaken in consultation with the newly formed Trustee Education Committee as well as appropriate staff members and committees. Meanwhile, some of our existing extension activities will have to be reduced until a comprehensive program can be planned and adopted. Other areas of our operations that are services to members either corporate or individual, but which do not substantially increase our income, such as the Newsletter and the Art Advisory Program, will be suspended for the time-being. In addition to the restructuring of the Painting and Sculpture Department, which was announced last month, some program and service departments will be consolidated. These program reductions, if they are to be effective moves to strengthen the Museum's ability in continuing to pursue its basic priorities, must lead to reductions in the current program staff and future reductions in such service areas as registration, custodial, finance, and administration.

It is a difficult task for me to have to report reductions in the current level of our programming. On the other hand, it has been extremely gratifying to have had so much thoughtful consideration from so many of you in arriving at these decisions, particularly those regarding the temporary exhibition program. Some of these decisions will be painful to carry out. But they also represent an opportunity to assess, under the pressure of conditions shared by many other cultural institutions across the country, our capacity to meet the aesthetic and intellectual demands made of us within the practical context of the conditions we face.

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SPECIFIC PROGRAM REDUCTIONS

1. Temporary Exhibition Program

Reduce temporary exhibition program on 53rd Street by at least 50% with no more than four major shows annually.

EFFECTIVE DATE: October 1972

2. Travelling Exhibitions

Reduce national and international travelling exhibition program by as much as 50%; increase fees.

EFFECTIVE DATE: 25% during 1971-72

An additional 25% of current level during 1972-73

3. Loans From The Collection

Increase fees based on actual costs even though it may in turn reduce loans to other institutions.

EFFECTIVE DATE: Immediately

4. International Study Center

{ Consolidate administrative and coordinating functions of the International Study Center under Director's Office. }

EFFECTIVE DATE: Immediately

A. Public School Program

Continue Public School Program under Director's Office. }

EFFECTIVE DATE: Immediately

B. Group Visits

Transfer administrative requirements of Group Visits to Public Information.

EFFECTIVE DATE: Immediately }

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5. Special Events

Reduce Special Events to absolute minimum even when subsidized.

EFFECTIVE DATE: Immediately

6. Newsletter and Calendar

Suspend Members' Newsletter indefinitely; transfer compiling and editing of Calendar to Public Information.

EFFECTIVE DATE: Immediately

7. Art Advisory Service

Suspend indefinitely all Art Advisory Service. //

EFFECTIVE DATE: Immediately (Announcement to Corporate Members schedule for week of August 10, 1971.)

8. Audio-Visual Archive

Consolidate functions of Audio-Visual Archive under Rights and Reproductions.

EFFECTIVE DATE: Immediately //

9. Photo Lab

Reduce photographic services and consolidate administrative functions under Rights and Reproductions.

EFFECTIVE DATE: Immediately //

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THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION
OF THE MUSEUM OF MODERN ART

Distributive Workers of America, Museum Division, Local No. 1

August 6, 1971

On August 5 an emergency meeting of the Association was convened to discuss the layoffs presented by John Hightower to the staff on August 4.

Despite the Museum's assurances that the Association would be given the opportunity to negotiate the efficacy of any proposed layoffs, the Bargaining Team was informed that, even as they met, sixteen persons were being notified that their employment would be terminated as of August 20.

The Bargaining Team reported that it needed at least two additional weeks to consider the layoffs in relation to the following three areas: 1) impact on projected program cuts, 2) the correlation between program cuts and layoffs, and 3) an investigation of the financial data used by the Museum as a basis for layoffs and program cuts.

The Administration indicated that if the Association's Bargaining Team could propose a job security clause satisfactory to them, they would perhaps consider an extension of the August 20 layoff date. It was further suggested by the Administration that an acceptable proposal would be one which allowed them the freedom to effect dismissals at their sole discretion, with total disregard for the concerns outlined in the demand letter. Moreover, no assurance was given that there would not be additional layoffs beyond the 53 which have been announced.

It is apparent that the Museum's action in dismissing staff members during negotiations is in direct contradiction to what should be logically a parallel with a position previously taken in regard to the promised July 1 raises. At that time they asserted that no raises could be granted pending the negotiation of a completed contract.

Although gravely concerned with the impending dismissals, the Association confirmed that the basis for any strike action would be a settlement of the entire contract.

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Although gravely concerned with the impending dismissals, the Association confirmed that the basis for any strike action would be a settlement of the entire contract.

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Copy

August 6, 1971

Professional and Administrative Staff Association
Museum of Modern Art

WHEREAS:

In the light of the Museum's unacceptable offers to date and its gravely unacceptable conduct in compromising good-faith bargaining by taking unilateral action with regard to lay-offs while negotiations are underway,

RESOLVED:

That there shall be a strike by the Association no later than Friday, September 17, provided that no acceptable contract be proposed by the Museum to the Association, and further be it,

RESOLVED:

That the Association mandates the Bargaining Team to terminate negotiations and set a strike prior to August 20, provided that the proposed lay-offs are not rescinded by the Museum pending the completion of an acceptable contract.

YES

☐

NO

☐

Return this ballot BY HAND to Mikki Carpenter, Audio-Visual Archives, M-Floor, "21" Bldg., by 12:00 Noon, Monday, August 9.

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Museum of Modern Art Archives	
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7/20/72.

Dear Pearl,

Since I share with you the problem of catching up on work neglected during the past two weeks, I hope you will forgive me for writing only a semi-personal note. I want very much to tell you, however, that I deeply appreciated your extraordinary help in keeping the Museum open during the recent strike. I know from my own contacts with our public that it meant a great deal to both our "regulars" and to the many tourists that the Museum remained open. I also know very well what this required in terms of your time, energy, and patience. Both personally and on behalf of the Museum, I am really most grateful and offer you my warm thanks.

Nick Odeneburg

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Memorandum

To Mrs. Shaw

From Ruth

Date 10/22/71

Re

The attached is from
the New York Element.

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ICES UP MOMA'S PASTA

horror, in connection with support of a labor union, is an unusual action too.

The reported goals of PASTA MOMA were that of any good union: job security, better pay, better working conditions. Only one of its aims had a possible relevance to the lives of artists — a demand for the right of staff members to participate in the policy discussions of MOMA, and to have access to the Board of Trustees. But in all union leaflets, all newspaper accounts, the union's goals did not include even a hope that artists would be represented or consulted with in regard to museum policy. One of the original demands of AWC, one of the 13 points around which it is organized is "... The Board of Trustees of all museums should be made up of one-third museum staff, one-third patrons, and *one-third artists*." If PASTA MOMA had included artist participation as even a hope for the future, or had even recognized that the *stuff* of all museums is the product of the *labor* of artists, the passionate supportive action of the AWC three would have been logical. It would have been a response to the smallest chance that the enormous distance between artists and museums could become a little less.

On September 13, the AWC began its regular program of Monday night meetings at Museum, 729 Broadway. It was

al of basic human rights..." It was also signed by AWC and the Guerilla Art Action Group.

In the following discussion of a proposed demonstration at MOMA aimed at Governor Rockefeller as a patron of the arts, the question was raised about the action taken on behalf of AWC for PASTA MOMA. In the loosely organized, non-dues paying membership of AWC, there is an ambivalent understanding about where its action should point. One segment is interested in large, not necessarily artist-oriented actions — it sees itself as part of the Movement, with perhaps a unique contribution to be made in the form of posters. This view was well illustrated that evening by one member who suggested that "... maybe we should make prison reform our thing this year ..." The other direction is expressed by the view that action should be directed towards self-interest, towards the betterment of the professional life of artists. To this last view, the original 13 points, with their emphasis on artist museum participation, equality for women and black artists in museums, rights of artists over their work in museum collections, rights of artists to be paid rental fees for work in museum exhibitions, seem to have been directed. So that it may be that the greatly diminished participation of

around because also present were artists who do not usually appear. Max Kozloff, last seen during Art Strike, offered space in *Art Forum* to any PASTA member who wished to write about his or her union experience. The chairwoman of the evening, Jackie Skiles, opened the meeting by immediately calling for a discussion of the joint Attica demonstration, but others said that the purpose of inviting union members was to discuss the support of AWC for PASTA MOMA. The union members objected, saying they had not come as union delegates, that they could not discuss union policy, that they could make no statement. One man, a conservator, said that a contract had not yet been signed, that they had many problems still to be resolved, and that their immediate consideration was to secure their jobs. (The contract was finally negotiated and signed shortly after, and as Grace Glueck reported in the *Sunday Times*, September 26, it is, for a museum "first" a good one. It gives staff people the right to participate in policy decisions, a voice in promotions and in the selection of new personnel; it provides for no discharges without cause, and a minimum salary of \$5,750, an advance over the previous low of \$4,700. The two year contract also gives paid sabbatical leaves, "free time" for cura-

OF THE WORLD ...
from Soho, Village East, Village West,
the Hamptons, Hollywood, Provincetown, Woodstock ...

The Art Workers Coalition does not meet during the summer months and so did not discuss the question of support for the union, but on Monday, August 30, three AWC members, one of them, Jean Toche, who reports the incident, entered the museum, went into the main floor galleries where the "Artist As Adversary" show is hung, and put up a sign under an AWC poster which is included in the show. The poster, issued as an AWC protest against the My Lai massacre in Vietnam, is a large photograph of dead and mutilated women and babies with the words "AND BABIES?"

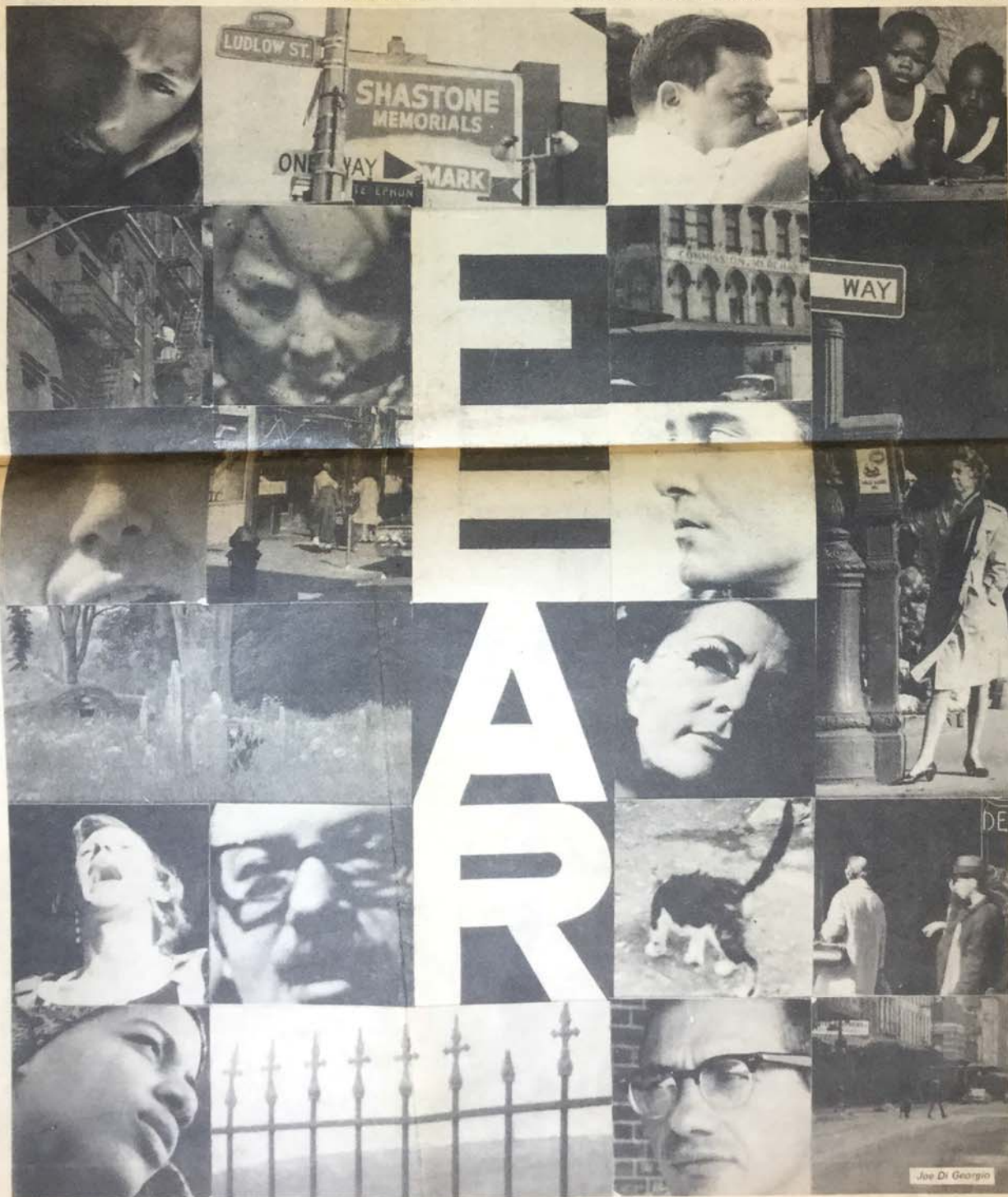
NEW YORK ELEMENT

A BI-MONTHLY NEWSPAPER

NOVEMBER-DECEMBER 1971

25 cents NEW YORK, N.Y.

 412 VOL. 2 NO. 6



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AWC SAUCES UP MOMA'S PASTA

by Therese Schwartz

DURING THE NEGOTIATIONS between the Museum of Modern Art and the recently organized professional and administrative workers union, 36 union members were fired. On August 20, a strike action was declared against the Museum. The union, known as PASTA MOMA (Professional & Administrative Staff Association of the Museum of Modern Art, Local 1, Museum Division, Distributive Workers of America), in a leaflet calling for support from the art community said "... ART WORKERS OF THE WORLD UNITE... Come in from Soho, Village East, Village West, the Hamptons, Hollywood, Provincetown, Woodstock..."

The Art Workers Coalition does not meet during the summer months and so did not discuss the question of support for the union, but on Monday, August 30, three AWC members, one of them, Jean Toche, who reports the incident, entered the museum, went into the main floor galleries where the "Artist As Adversary" show is hung, and put up a sign under an AWC poster which is included in the show. The poster, issued as an AWC protest against the My Lai massacre in Vietnam, is a large photograph of dead and mutilated women and babies with the words "AND BABIES?" in large black letters. The sign which the three affixed under the poster, read, "We demand that the AWC My Lai poster be removed for the duration of the strike." A woman employee pulled down the sign, a scuffle followed, and finally, one of the artists was dragged from the room and roughed up by four museum guards.

The action of the museum guards, indistinguishable from the force used in other corporate institutions against dissenters, is new in the history of the museum and its public. But the use of the My Lai poster, produced by the whole AWC as a protest against the Vietnam

horror, in connection with support of a labor union, is an unusual action too.

The reported goals of PASTA MOMA were that of any good union: job security, better pay, better working conditions. Only one of its aims had a possible relevance to the lives of artists — a demand for the right of staff members to participate in the policy discussions of MOMA, and to have access to the Board of Trustees. But in all union leaflets, all newspaper accounts, the union's goals did not include even a hope that artists would be represented or consulted with in regard to museum policy. One of the original demands of AWC, one of the 13 points around which it is organized is "... The Board of Trustees of all museums should be made up of one-third museum staff, one-third patrons, and one-third artists." If PASTA MOMA had included artist participation as even a hope for the future, or had even recognized that the staff of all museums is the product of the labor of artists, the passionate supportive action of the AWC three would have been logical. It would have been a response to the smallest chance that the enormous distance between artists and museums could become a little less.

On September 13, the AWC began its regular program of Monday night meetings at Museum, 729 Broadway. It was the day of the Attica murders and the meeting began with the drafting of two statements: one, signed by eight artist groups, among them Guerilla Art Action, AWC, WASBAL, Black Emergency Cultural Coalition, listed the guilty — Nelson Rockefeller; Louis James, Wyoming County District Attorney; Russell G. Oswald, Commissioner; the Press, the Television, the Radio, the People of New York State. The other statement was drafted by two women artist groups, Women Artists in Revolution, and the Ad Hoc Committee of Women Artists, and started with, "... the blood of Attica is the result of the deni-

al of basic human rights..." It was also signed by AWC and the Guerilla Art Action Group.

In the following discussion of a proposed demonstration at MOMA aimed at Governor Rockefeller as a patron of the arts, the question was raised about the action taken on behalf of AWC for PASTA MOMA. In the loosely organized, non-dues paying membership of AWC, there is an ambivalent understanding about where its action should point. One segment is interested in large, not necessarily artist-oriented actions — it sees itself as part of the Movement, with perhaps a unique contribution to be made in the form of posters. This view was well illustrated that evening by one member who suggested that "... maybe we should make prison reform our thing this year..." The other direction is expressed by the view that action should be directed towards self-interest, towards the betterment of the professional life of artists. To this last view, the original 13 points, with their emphasis on artist museum participation, equality for women and black artists in museums, rights of artists over their work in museum collections, rights of artists to be paid rental fees for work in museum exhibitions, seem to have been directed. So that it may be that the greatly diminished participation of working artists in AWC was caused by the partial abandonment of these aims and the thrusting of its energies into larger, social causes.

As a result of the PASTA MOMA support issue, the suggestion was made to invite union members to the next AWC meeting on September 20 in order to discuss with them the possible place of artist-interest in their union's future, and to invite them to join the demonstration against Attica-Rockefeller at the Museum.

At the September 20 meeting, about eight members of PASTA MOMA were present, and perhaps word had gotten

around because also present were artists who do not usually appear. Max Kozloff, last seen during Art Strike, offered space in *Art Forum* to any PASTA member who wished to write about his or her union experience. The chairwoman of the evening, Jackie Skiles, opened the meeting by immediately calling for a discussion of the joint Attica demonstration, but others said that the purpose of inviting union members was to discuss the support of AWC for PASTA MOMA. The union members objected, saying they had not come as union delegates, that they could not discuss union policy, that they could make no statement. One man, a conservator, said that a contract had not yet been signed, that they had many problems still to be resolved, and that their immediate consideration was to secure their jobs. (The contract was finally negotiated and signed shortly after, and as Grace Glueck reported in the *Sunday Times*, September 26, it is, for a museum "first" a good one. It gives staff people the right to participate in policy decisions, a voice in promotions and in the selection of new personnel; it provides for no discharges without cause, and a minimum salary of \$5,750, an advance over the previous low of \$4,700. The two year contract also gives paid sabbatical leaves, "free time" for curatorial personnel, severance pay, and a grievance system which utilizes outside arbitration).

In general conversation with the union members, Toche asked if there had been any official union protest made against the August 30 incident, during which an artist had been roughed up by museum guards, and the answer was there had been none. A simple question by an artist, "... tell us why we should support you?..." did not embarrass the PASTA members as much as it did some of the AWC. Irving Petlin, Hans Haacke and Leon Golub, original Coalition members, felt that the guests were being pressed too hard and that communication between museum personnel and artists could perhaps come after some common activity or longer acquaintance. One PASTA member said she wanted to thank the artists for their support during the strike, and to say that AWC had been a source of inspiration for their union; that after some past AWC actions at MOMA, museum employees had begun thinking of their own problems. And, one would have to add, had done a much more effective job in a much shorter time.

Jon Hendricks, of Guerilla Art Action and the Judson Three (Flag case) made a motion that all artists boycott MOMA, refuse to exhibit in its shows, remove work in the museum's collection, and sever any other connection. The motion was not passed; it was pointed out that Hendricks, a printmaker, had long since declared that he would produce no more art objects, and that this was possibly not a suggestion for him to make for others; Faith Ringgold, also of the Judson Three, noted

continued on page 16



Jan Van Raay

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SCHWARTZ continued from page 3

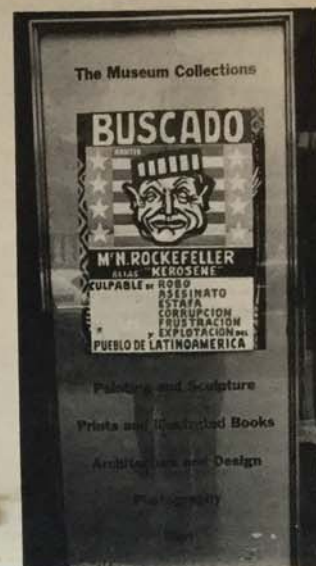
that few at that meeting had work in the museum's collection, few had been invited to exhibit at MOMA this year, and so the motion was hardly appropriate. A woman artist said that as she and other women had always been among the "outs" of the museum's consideration, she did not wish to give up what she had never had. Rudolf Baranik, a painter, said such a boycott would effectively "give the museum to the Trustees, and the museum should be ours..." It was clear that whatever action AWC wished to take against MOMA, a majority present did not want to shut off their futures as working, exhibiting artists. For artists in AWC, the driving hope is into the museums, not away from them.

The discussion then passed to the Attica demonstration. It was decided to hold it on September 23, so that it could be a part of the large demonstration to be held at Albany on that day. At 12 noon, on Wednesday, the 23rd, some 50 artists and about 10 PASTA members gathered at the entrance of MOMA. A picket line formed, many carried signs reading: *At Attica and the Modern - Rockefeller calls the shots*. A table was set up at the door to solicit signatures for a petition with two objects, 1. *We call upon the legislature of the State of New York to impeach Nel-*

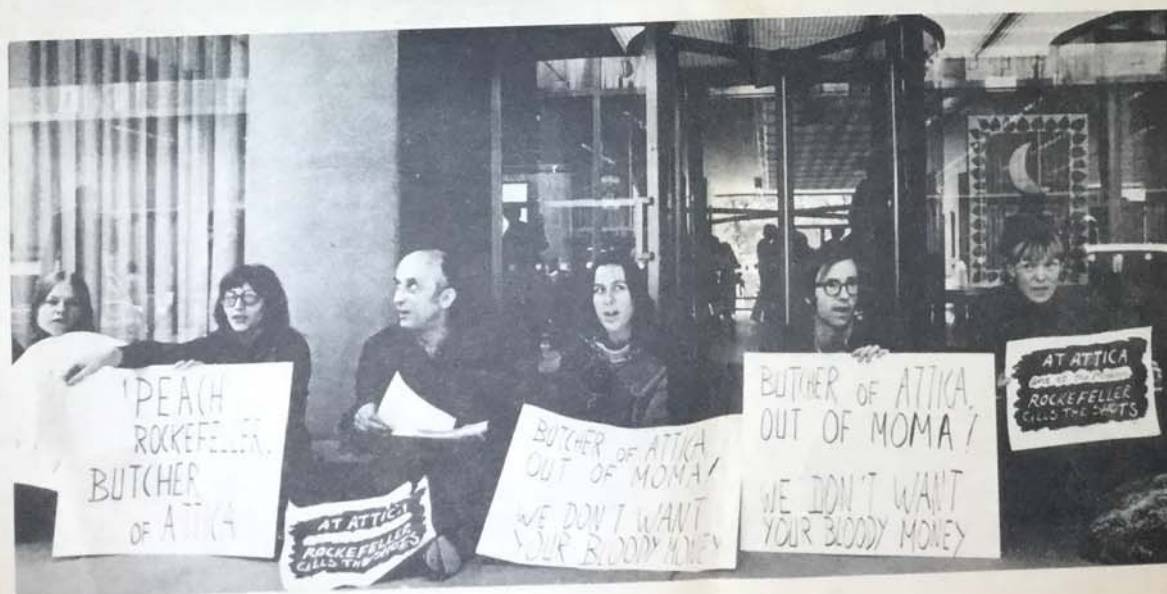
son Rockefeller. 2. *We demand that Nelson Rockefeller resign from the Board of Trustees of the Museum of Modern Art*. After two hours, the first demand had been signed by 35 people, the second, by 100.

A second group of demonstrators was led into the museum through a side entrance by a PASTA MOMA member (who had been at the AWC meeting) and these people formed a picket line in the Sculpture Court. The picketing was in no way interrupted by the museum, and only when AWC member Farman carefully placed hundreds of leaflets on the shrubbery, did a black man in shirt sleeves appear to spear up the paper with a pointed stick. He was helped by Henry Pearson, an artist, who just happened to be there, and who said he did not approve of littering.

Attendance that day seemed to be normal; on the terrace the usual crowd lunched and all the tables were filled. None of the lunchers joined the picket line, perhaps because they saw no "superstars", and the few people who asked questions were unfriendly. The demonstration lasted two hours and 4,000 leaflets were distributed. The *N.Y. Times*, in a small news item the next day, reported that 800 had demonstrated at Albany and 40 Artists at the Museum of Modern Art.



PHOTOS BY JAN VAN RAAIJ



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ELEMENT

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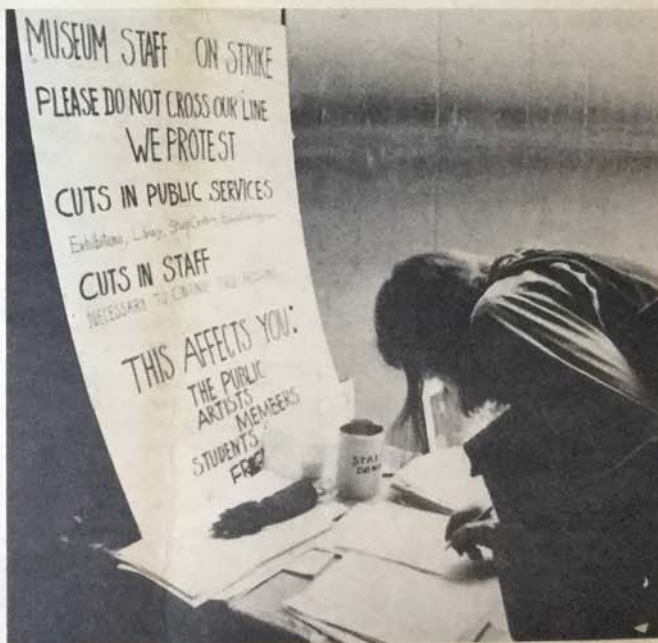
STAFF

Bill Amidon
George Blecher
Joe Di Giorgio
David Haseltine
Constance H. Poster
Therese Schwartz
Jan Van Raay
Alf Zusi

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PHOTOGRAPHS BY JAN VAN RAAAY



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The Museum of Modern Art

To The Staff
 From Richard H. Koch
 Date November 3, 1971
 Re

On Friday October 29 the Staff Association distributed a statement concerning the status of the written contract embodying the settlement agreed upon by the Museum and the Association on September 3. Because of distortions and false implications contained in that statement we consider it necessary to clarify the situation.

On September 23 the Museum's attorney forwarded a fully drafted formal contract of almost 30 pages to the Association's attorney. Since that date the two attorneys have had a series of meetings and telephone conversations in an attempt to resolve the numerous differences in language and approach which always arise in the preparation of the first contract between a union and an employer. On October 20 the Museum's attorney forwarded a revised draft to the Association's attorney incorporating most of the changes the Association had sought, although several points were still in dispute. On October 29, the same day that the Association distributed its statement accusing the Museum of delay, the Association's attorney suggested, for the first time, a whole series of proposed new changes, both in substance and in language, in the contract which had been under discussion for some five weeks.

The complex process of reducing to writing the settlement between the Association and the Museum is not made any easier by mischaracterization of what we had believed to be good faith differences. The Museum is and has been ready for two months to sign a written contract embodying the settlement reached on September 3. All funds necessary to implement this agreement are and will continue to be available to the fullest extent permitted by governmental controls -- and we have no reason whatsoever to assume that a settlement reached after the wage freeze began will be affected one way or the other by the date of formal execution of the written contract.

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August 30, 1971

- 2 SEP 1971

Mr. Ernest Lindgren
Curator
National Film Archive
81 Dean Street
London W.1, England

Museum of Modern Art Archives	
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Dear Mr. Lindgren:

Enclosed is the copy of a letter which we have just sent to His Excellency the British Ambassador in Washington, urging him not to appear at the opening of the forthcoming British Film Retrospective. As the letter explains, we are on strike in protest against the firing of twenty-one of the employees whom our Association represents, during the course of negotiations for a contract with the Museum. All our members, and particularly the one who was fired, urge you to withdraw your support of the British Film Retrospective and also protest to the Museum at this flagrant breach of good-faith bargaining.

Enclosed is some information on the situation. We understand that a number of curators at the Tate are writing in protest to our Museum.

Hoping for your understanding and support of our position, I am

Sincerely,

Patricia Jotling
Chairman

per Virginia Allen
Chairman pro-tem
16 East 96 Street
New York, N.Y. 10028

*Don't have the letter
to the Ambassador, but
this cc of covering letter to
British Film Institute explains.
S. Gromans*

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Museum of Modern Art Archives

The Museum of Modern Art

To 21 Desk
Information Desk
From Security
cc: Department Heads
Richard H. Koch
Date August 23, 1971
Re Admittance to the Museum of Staff Members during Strike

The following procedures will be observed regarding the admission of staff members to the Museum during the current strike of Local 1:

On weekdays, from 9:30 until 5:30, staff members will be admitted to the Museum only through the office entrance at 21 West 53rd Street. The reception desk in the 21 Lobby will be manned during those hours by members of the Personnel Department. A guard will be posted in the 21 Lobby as usual.

Members of the supervisory staff, including those whose status as supervisors is in dispute between the Museum and the Union, may come and go freely. Members of the other unions who are not on strike (Locals 30, 32B, 89 and 306) are equally free to enter the Museum, and members of Local 1 are, of course, welcome to come to work if they choose, provided that they sign in at the 21 Desk. They should also be told to be sure that their Department Head or immediate supervisor knows that they are working to be sure that they will be paid.

Strikers who seek entrance to the Museum for reasons other than to come to work are not to be admitted without the approval of their Department Head or, in his absence, the Director of the Museum or the Director of Administration.

On weekends and at other times when the 21 Building is closed, staff admission to the Museum will be through the lobby of the 11 Building. Supervisory personnel and members of unions which are not on strike are, of course, to be admitted freely. Members of the striking union are to be admitted only if they state that they wish to enter on Museum business and if their names have been listed in advance with the Security Guard on duty.

Since we will probably be unable to man the 4th and 5th Floor Reception Desks, messengers and others making deliveries should leave them at the 21 Desk. The acting receptionist will then notify the department involved, who should send someone to the 21 Lobby to receive the package.

For the duration of the strike, films and other material which would normally be delivered to the 54th Street loading dock but which is brought to the 21 Lobby or to the 11 Building Information Desk should be accepted there to avoid the possibility of non-delivery at the loading dock.

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TO: John Hightower

FROM: PASTAMOMA

DATE: August 20, 1971

Because of our concern for the safety of the works of art in the Museum Collection and on loan to the Museum, the following arrangements have been made by the Program Committee of the Staff Association for the duration of the strike:

- 1) The following members of the bargaining unit are authorized to cross the picket line to do daily gallery and/or storeroom checks for their collections and exhibitions if the Department Head (or Acting Head) is absent:

Architecture and Design (John Garrigan)
Art Lending Service (Diane Mihalek)
Drawings, Prints and Illustrated Books (Howardena Pindell or Martha Beck)
Film (Eileen Bowser or Adrienne Mancina)
Library (Grethe Richman)
Painting and Sculpture (Emily Danson or alternate)
Photography (Tom Lovcik)

- 2) The following members (or challenged members) of the bargaining unit are authorized to cross the picket line to assist fulltime the Department Head (or Acting Head) in dealing with safety or security only regarding works of art:

Conservation (Tosca Zagni, only if the museum is open to the public)
Registrar (Betty Burnham or Nancy Sage, only in the absence of Teri Varveris)

- 3) The following members (or challenged members) of the bargaining unit are authorized to cross the picket line to serve fulltime as Acting Heads in the absence of the Department Head in dealing with safety or security only regarding works of art:

Exhibition Program (Dick Palmer)
International Program (John Stringer or Elizabeth Van der Does)
Registrar (Betty Burnham)

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Strike

The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

MEMORANDUM

TO: PASTAMOMA
FROM: John B. Hightower
DATE: August 24, 1971

Many thanks for your memorandum of August 20, 1971 concerning the safety of works of art. I greatly appreciate your concern and willingness to make special arrangements despite the fact that there is a strike action in progress. At the present time, it does not appear that we need any immediate assistance regarding safety and security checks of works of art. However, as the need arises, I will be in touch with you and am grateful again for your concern.

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STATEMENT OF JOHN B. HIGHTOWER, DIRECTOR OF THE MUSEUM OF
MODERN ART - AUGUST 20, 1971

Museum of Modern Art Archives

The Museum of Modern Art has been struck by members of Local 1, Museum Division, Distributive Workers of America. This strike action is the result of a breakdown in negotiations that have been underway with the Museum since June.

John B. Hightower, Director of The Museum of Modern Art said "The negotiations up to now have been extremely constructive. Unfortunately, the financial condition of the Museum is such that program reductions were mandatory. In fact, these program reductions had been intensely discussed with many members of the staff. The consequent lay-offs were regrettably unavoidable in the face of a projected deficit for the current year of over \$1.3 million even after the announced program reductions. This has been a painful step to take, but one that must be taken if the Museum is to continue as the vital institution it has always been".

The principle issue of the strike is the announced elimination of 36 positions within the staff union. Until Friday, August 20, the Museum had been in intensive negotiations with the union. Prior to the strike, considerable progress was made in several specific areas, including research and sabbatical programs for the professional staff, Trustee relations, tuition re-imbursement for outside education, and an internal educational orientation program in both professional and administrative areas for the entire staff. In addition fruitful discussions were held in relation to a broad range of personnel policy issues, such as leaves of absence, vacations, health and insurance benefits, and working conditions. Several weeks ago the Museum placed before the Union a comprehensive proposal for the implementation of staff evaluation and advancement. This proposal also included a basic salary increase for the entire staff and the commitment to an intensive re-evaluation of the present salary and promotion schedule in an effort to improve the complete salary structure. The Union has failed to respond to this

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proposal.

The lay-offs were a direct result of program reductions aimed at reducing the Museum's growing deficit. In 1966-67, the Museum had a deficit of \$128,000 - its first in many years. An immediate indicator of the cause of the Museum's mounting deficits in recent years is the fact that the Museum has gone from a staff of 295 in June of 1966 to 539 in June of 1970.

The Museum,^a privately supported institution, receives no assistance from public funds with the exception of minimal support in recent years from the New York State Council on the Arts. Mr. Hightower emphasized that, "None of the reductions proposed will jeopardize or alter the essential character of the Museum. Similar to other institutions throughout the country, the Museum is forced to cutback. Unlike some, however, such as the Brooklyn Museum and Metropolitan Museum, which recently had to close galleries to the public, such a step is not contemplated as a result of the announced reductions. The Museum as always will remain open to the public seven days a week".

A major development effort to increase income is currently underway. In spite of the announced program reductions, the Museum will mount 4 major temporary exhibitions per year, and will sustain its schedule of smaller and less expensive shows at approximately the same level as in the past. The character and balance of the Museum's exhibition program will remain unchanged. Increased emphasis will be placed on making the Museum's collections visible. The reduction in the exhibition schedule will not

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take full effect until the fall of 1972.

Other areas affected are described in the attached memorandum from John B. Hightower to the entire Staff of The Museum of Modern Art dated August 4, 1971.

Mr. Hightower also stated that, " I deeply regret the Staff Union's decision to strike; I only hope it will not jeopardize the public's enjoyment of the Museum. I am convinced that the steps taken in recent weeks will lead to an even stronger institution for the future with a sure and focused sense of its commitment to the arts of our time".

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PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN ART

Museum of Modern Art Archives

August 12, 1971

For Immediate Release

PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE MUSEUM OF MODERN

ART VOTES STRIKE ACTION

By a three-to-one majority, members of the Professional and Administrative Staff Association (PASTA) of the Museum of Modern Art voted on Monday, August 9, to declare a strike. Immediate cause of this action was that during the course of negotiations for a contract involving among other things salaries, job security, and consultation in policy decisions, the Museum's Administration late last week announced its intention of abolishing some 36 positions in the Association's bargaining unit of 200-odd employees. Sixteen staff members were in fact immediately given notice of termination of employment, in some cases to be effective August 20. The union accordingly voted to strike prior to that date unless the dismissals were rescinded pending completion of negotiations. It further mandated its bargaining team and program committee in any event to set a strike date no later than September 17, if no acceptable contract had been proposed by the Museum to the Association before that date. However, no matter at which date the union goes out on strike, it has declared its intention of remaining out until the entire contract has been negotiated.

The Museum had already indicated that because of its deficit it planned substantial cutbacks in program and staff during the current fiscal year, ending June 30, 1972. The bargaining team had asked that no notices of dismissal

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be given until it had the opportunity to consider carefully: 1) the number and nature of the positions to be abolished, in the light of their impact on the Museum's program; 2) the relation between the projected reduction in program and the proposed staff lay-offs; and 3) the financial data which the Museum claimed as its basis for curtailment of program and staff. As the Museum's counsel, Michael J. Horowitz, explained in a letter sent last week to members of the Association, this request had been made in order that the bargaining team's consideration of the proposed reductions might be evaluated on a factual basis, rather than focusing on the specific individuals slated for dismissal. Such deliberation was precluded by the Museum's unilateral action, which precipitated the union's decision to strike.

The Administration has indicated that if the bargaining team would propose a job-security clause satisfactory to them, they might consider extending the lay-off date of August 20. They have made it clear that they would consider a proposal acceptable only if it allowed them freedom to effect dismissals at their sole discretion, without regard for the job-security provisions outlined in the demand letter; and they also would give no assurance that there would be no additional lay-offs besides those already announced. These total fifty-three--in addition to the 36 members of the Staff Association's bargaining unit, six in other unions at the Museum and eleven in non-union positions.

Those already given notice of dismissal include Virginia Allen and Margaret Potter, Associate Curators of Painting and Sculpture; Mildred Constantine, Special Assistant to the Director and formerly Associate Curator in the Department of Architecture and Design, who has been on the staff since 1949; Eila Kokkinen, Assistant Curator, Joan Rosenbaum, Curatorial Assistant, and Emily Fuller, Secretary, Department of Drawings; Jean Lenauer, Technical Director, William Perry, Music Director, and Geraldine Cunningham, Cataloguer-Librarian, Department of Film; Peter Schwartz, Associate Director, Corporate

...more...

The Museum of Modern Art Archives, NY	Collection:	Series.Folder:
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Relations; Patricia Jobling, Supervisor, Audio-visual Archives; Suzanne Raices, Coordinator of the High School Program and of Group Visits; Geoffrey Brown, Writer, attached to the Director's Office; and Irene Wojciechowski, Celia Hernandez, and Violet Sanchez, Department of Finance. Two among these-- Virginia Allen and Patricia Jobling--are members of the union's bargaining team, and the latter is also chairman of its program committee, the Association's highest elective office. In addition to this, Emily Fuller and Jean Lenauer were among the employees who were given notice of dismissal for budgetary reasons last December, in spite of a written promise to the staff made two months before by the Director, John B. Hightower, that no such lay-offs were contemplated. A strike voted at that time was revoked when the Museum gave its written agreement "to retain on its payroll in other jobs those scheduled for lay-off on December 31, 1970, who wish to remain, until an agreement has been reached with the Association as to the propriety of the lay-offs or until a collective bargaining agreement has been negotiated between the Museum and the Association, whichever is earlier." The breaking of this agreement and the Museum's action in attempting to effect dismissals during the course of negotiations for a contract constitute unfair labor practices, in the opinion of the union and its counsel, Michael J. Horowitz, and constitute grounds for filing a complaint with the National Labor Relations Board. The Museum's decision regarding lay-offs is all the more reprehensible in view of the fact that it had refused to grant to a number of employees raises already budgeted as of July 1, on the pretext that it could not do so pending the negotiation of a union contract.

The Professional and Administrative Staff Association of The Museum of Modern Art was formed in June 1970 "to provide a forum for the expression of ideas among the members of the staff, to establish a constructive body that

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will have a voice in matters that concern and affect the Museum; to improve the economic, professional, and working conditions." On January 11, 1971, a demand letter was submitted on behalf of the Association to the Museum's Director, John B. Hightower. It covered not only salaries, traditional benefits such as insurance, sick leave, vacations, job security, working conditions, and grievance procedures, but also educational benefits, and particularly the right of Association members to participate in the decision-making process on questions of Museum policy.

The Administration indicated its willingness to discuss these demands but refused to enter into true good-faith bargaining until the Association became certified as bargaining agent for the staff members it claimed to represent. Accordingly, in April the Association voted to accept an invitation from the Distributive Workers of America and became Local 1, Museum Division, DWA. In an election held June 4 under the supervision of the National Labor Relations Board an overwhelming majority of some 200 members of the bargaining unit voted to have the union represent them in collective bargaining with the Administration. Formal negotiations toward a binding contract on the basis of the demand letter began therefore late in June. In its salary demands, the bargaining team has stressed the necessity of raising the Museum's present minimum wage of \$4,700 for full-time employees to \$7,000, and of recognizing by substantial salary increases the seniority of staff members who despite many years of employment are still grossly underpaid.

The Professional and Administrative Staff Association is the first group of such employees in any American museum either to affiliate with a union or to obtain certification under a national or state labor relations board. Its bargaining unit includes members of the curatorial staff, conservators, registrars, members of the Publications Department, Finance Department, and of other

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program and service departments, as well as operational personnel such as the sales staff in the Museum's bookstores, receptionists, and waitresses in the Penthouse Restaurant. Excluded are approximately 50 persons in positions deemed managerial, supervisory, or of a confidential nature, and others among the Museum's over 400 employees, such as guards, projectionists, electricians, and warehouse men, who are represented by other unions.

For additional information contact Patricia Jobling (956-2689) or Jane Fluegel (956-7208).

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Staff Association

Museum of Modern Art Archives

THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF THE
MUSEUM OF MODERN ART

August 11, 1972

This memorandum will serve to clarify the current status of bargaining between the Professional and Administrative Staff Association (PASTA) and the Administration of the Museum.

During the past six weeks of negotiations, PASTA, indicating its willingness to draft a judicious and equitable settlement, has substantially modified many of its original demands. By contrast, the Administration has remained unyielding. The Administration's latest offer differs in dollar terms only slightly from its first. Indeed, it seems as though the Administration has no intention of bargaining at all - the same offer continues to be submitted under different formulae. This offer, which is acknowledged by both sides as being inadequate, assumes that some members of our bargaining unit would have to subsidize the raises of others. PASTA's negotiating team cannot and will not entertain a proposal which is so diversive to the Association's purpose.

The negotiating team, whose authority, after all, derives from the membership of PASTA, will not relinquish the following two ideas essential to any fair settlement:

- a) The Association must be granted an across-the-board percentage raise for all members of its bargaining unit, a percentage raise equal to that offered by the Museum to the guards and operating engineers, and at this point to only half of the members of our unit.
- b) To correct widespread and unfair discrepancies in certain job titles and salary levels, adjustments must be made in both the titles and salaries of certain positions held by members of the Association's bargaining unit to ensure that they are commensurate with the professional duties actually being performed.

The unanimous support manifested by the membership during the past week is particularly gratifying in the face of the continued intransigence of the Administration. We need and count on your continuing support in the weeks to come as we strive to implement our goals to better the Museum of Modern Art, as well as the museum profession as a whole.

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Museum of Modern Art Archives

THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION
OF THE MUSEUM OF MODERN ART

Distributive Workers of America, Museum Division, Local No. 1

August 6, 1971

On August 5 an emergency meeting of the Association was convened to discuss the layoffs presented by John Hightower to the staff on August 4.

Despite the Museum's assurances that the Association would be given the opportunity to negotiate the efficacy of any proposed layoffs, the Bargaining Team was informed that, even as they met, sixteen persons were being notified that their employment would be terminated as of August 20.

The Bargaining Team reported that it needed at least two additional weeks to consider the layoffs in relation to the following three areas:

1) impact on projected program cuts, 2) the correlation between program cuts and layoffs, and 3) an investigation of the financial data used by the Museum as a basis for layoffs and program cuts.

The Administration indicated that if the Association's Bargaining Team could propose a job security clause satisfactory to them, they would perhaps consider an extension of the August 20 layoff date. It was further suggested by the Administration that an acceptable proposal would be one which allowed them the freedom to effect dismissals at their sole discretion, with total disregard for the concerns outlined in the demand letter. Moreover, no assurance was given that there would not be additional layoffs beyond the 53 which have been announced.

It is apparent that the Museum's action in dismissing staff members during negotiations is in direct contradiction to what should be logically a parallel with a position previously taken in regard to the promised July 1 raises. At that time they asserted that no raises could be granted pending the negotiation of a completed contract.

Although gravely concerned with the impending dismissals, the Association confirmed that the basis for any strike action would be a settlement of the entire contract.

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August 6, 1971

Professional and Administrative Staff Association
Museum of Modern Art

WHEREAS:

In the light of the Museum's unacceptable offers to date and its gravely unacceptable conduct in compromising good-faith bargaining by taking unilateral action with regard to lay-offs while negotiations are underway,

RESOLVED:

That there shall be a strike by the Association no later than Friday, September 17, provided that no acceptable contract be proposed by the Museum to the Association, and further be it,

RESOLVED:

addendum -
That the Association mandates the Bargaining Team to terminate negotiations and set a strike prior to August 20, provided that the proposed lay-offs are not rescinded by the Museum pending the completion of an acceptable contract.

YES

☐

NO

☐

Return this ballot BY HAND to Mikki Carpenter, Audio-Visual Archives, M-Floor, "21" Bldg., by 12:00 Noon, Monday, August 9.

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Aug 1971
The Museum of Modern Art

11 West 53 Street, New York, N.Y. 10019 Tel. 956-6100 Cable: Modernart

Museum of Modern Art Archives

F O R Y O U R I N F O R M A T I O N

The strike at The Museum of Modern Art is the unfortunate result of a breakdown in collective bargaining negotiations which have been in process since June between the Museum and the union representing part of the Museum's professional and administrative staff. Essentially the union has refused to accept program and staff reductions mandated by the gravity of the Museum's financial condition.

Even with anticipated savings as a result of program changes, the Museum's projected deficit for 1971-72 is \$1,355,000. The growth in the deficit, approximately \$128,000 in 1966-67, has accelerated in recent years to a level which the Museum cannot sustain. A privately supported institution, The Museum of Modern Art receives no subsidies from the City of New York, unlike many of the City's other major museums.

We greatly regret any inconvenience the strike may cause and hope it will not interfere with your enjoyment of the Museum and its exhibitions. The steps taken by the Museum to reassess the scope and priorities of its programs will hopefully strengthen the institution for the future and ensure its continued commitment to the arts of our time.

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E Shaw

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Museum of Modern Art Archives	
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The Museum of Modern Art

To Members of the Supervisory Staff
From Richard Koch
Date June 25, 1971
Re Attached

Herewith for your information a copy of a letter sent today by Edward Silver, special counsel to the Museum, to Michael Horowitz setting forth the Museum's position with respect to the salaries of members of the Local 1 bargaining unit. Please get in touch with me if you have any questions about this.

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JOSEPH M. PROSKAUER
ALFRED I. ROSE
RODMAN S. GOETZ
WALTER MENDELSON
ALFRED A. POTT
WILSON H. TOTTENMAN
CHARLES LORKE
PHILIP W. HAHNMAN, JR.
HOWARD LICHTENSTEIN
HAROLD H. LEVIN
JAMES J. FELD
EDWARD M. SHAPIRO
GERALD SILBERT
WILLIAM P. HIGGINS, JR.
EDWARD SILVER
PHILIP J. HIRSCH
JACOB IMBERMAN
ROBERT DILLON
EDMUND D. GALLANTZ
ROBERT J. LEVINSOHN
ANDREW D. HEINEMAN
BERNARD LORKE
HOWARD A. SHAPIRO
SCOTT E. FULTON
HOWARD A. SHAPIRO
MARTIN J. GUTENFELDER
ALAN S. GUTENFELDER
TERRY M. LEVINSKY
STEPHEN M. RAY
STANLEY ROMANOFF
IRA H. LUSTIGER
MARTIN DICKER
SAYL G. KRAMER
ROBERT M. KAUFMAN
RONALD S. SCHACHT
MORTON M. MANEKER
JOHN R. KATZ
JEROLD ZIEGLERMAN
DAVID I. GOLDBLATT

PROSKAUER ROSE GOETZ & MENDELSON
300 PARK AVENUE
NEW YORK, N. Y. 10022

CABLE ADDRESS

"PROUT"

TELEPHONE

MURRAY HILL 6-7300

(AREA CODE 212)

TELEX: 621170

June 25, 1971

Michael J. Horowitz, Esq.
401 Broadway
New York, New York

Re: The Museum of Modern Art

Dear Mr. Horowitz:

With regard to your letter of June 15 concerning raises on July 1, 1971 for members of the Association bargaining unit, please be advised that, as in past years, the Museum has conducted salary evaluations for the purpose of determining the size of salary increases, if any, to be granted. Approximately 1/3 of the members of the bargaining unit would have been scheduled for increases of varying amounts, on July 1, 1971. The tentative determinations by the Museum as to the amounts of such increases, if any, were reached on the assumption that such increases would constitute the total cost increases for those individuals for the fiscal year beginning July 1, 1971. More specifically, the tentative decisions as to July 1 raises presumed no further salary increase or increase in cost of fringe benefits during the fiscal year beginning July 1 for the individuals involved. Further, the Museum was assuming that the remaining members of the bargaining unit would receive salary increases no sooner than one year after their last increase and no increase in fringe benefits.

The Museum, therefore, proposes to implement the tentatively scheduled July 1 raises upon agreement of the Association that such increases shall constitute the total increase in salary and fringe benefit costs, for those receiving such increases, for the fiscal year beginning July 1, 1971. In order to maintain a logical and equitable salary structure the Museum proposes that agreement also be reached as to the amount and effective date of the increases

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PROGRAM

Michael J. Horowitz, Esq.

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June 25, 1971

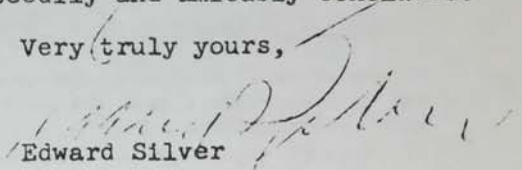
in salary and fringe benefits, if any, for the remaining members of the bargaining unit.

Alternatively, if the above proposal is not acceptable to the Association, the Museum is prepared to negotiate over all appropriate subjects for collective bargaining, including the amount and effective date of salary and fringe benefit modifications for all members of the bargaining unit.

In conclusion, I must take issue with your allegation that a deliberate policy decision has been made to withhold pay increases during the pendency of negotiations and that the Museum seeks to have protracted negotiations "all with an eye towards weakening the Association and its members' support." The Museum unequivocally denies any intent to interfere in any way with the representative status of the Association, disavows any alleged statements suggesting the existence of a contrary policy, and urges you to communicate this position to the members of the bargaining unit. As our investigation discloses no evidence to support your allegations, we request further specification concerning these alleged statements so that if such unauthorized statements were in fact made, further remedial action may be taken.

As prolonging these negotiations would certainly not be in the interest of the Museum, it is our earnest desire that the negotiations begun this week be speedily and amicably concluded.

Very truly yours,


Edward Silver

ES:11

HAND DELIVERY

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Museum of Modern Art Archives

The Museum of Modern Art

To The Staff
From John B. Hightower
Date June 3, 1971
Re Union Election

As the election will be held tomorrow, I particularly want to remind each of you of the importance of your individual ballot. The election, as you know, will be decided by a majority of those who actually vote, and only those. Don't let this important decision be made for you by others.

Several questions have been raised over the past week that deserve an answer from me. They may also help clarify my position for any of you who may still be in doubt.

1. Am I voting to become a member of a union?

No. The voting is to determine whether you want the Staff Association to be recognized as a labor union to represent you for purposes of collective bargaining.

2. Will I be required to join the union if it is certified by the NLRB?

As the Staff Association has correctly pointed out, there is no automatic "union shop" provision nor any legal requirement that a union shop be formed. This is a matter for negotiation between the employer and the union. The Staff Association has said it has never wanted a union shop. However, it should be understood by everyone that union shop provisions are sought by most unions to protect their majority status and to insure a continuing flow of dues. Union shop provisions are usually enforced by a requirement in the contract which compels the employer to discharge anyone who is unwilling to join the union. This is currently the case with all union contracts now in effect at the Museum. //

3. Will voting to establish the union guarantee higher salaries, better fringe benefits, greater job security, and improved inter-Museum communications?

Although the Museum will, of course, bargain in good faith with the union if it wins, we are not required to agree to any of its proposals. Voting for a union, particularly in a non-profit institution, cannot increase our financial ability to provide increased salaries and benefits. Whatever the outcome of the election, however, the Museum will do everything possible within its available means to continue to improve the salaries, benefits and working conditions of the entire staff.

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4. What is the position of the administration as to the desirability of having a union?

It is my sincere belief that it is in your best interests as well as the Museum's and mine for you to vote No. I am very much concerned over the impact on each of us which will follow from unionization. For example, communications between staff and administration, bad though they may sometimes be, can only degenerate when all discussions concerning working conditions, wages, etc., must be held with representatives of a union rather than directly with the individuals concerned. Similarly, a natural and unavoidable result of unionization will be a tendency towards uniformity in such matters as salary increases, time-off provisions, eligibility for promotions, etc., since unions are not and cannot be concerned with rewarding individual merit.

5. Is it true that if the union wins it will legally represent the staff for at least a year?

Yes. The Museum would be required to recognize the union as the sole representative of every member of the bargaining unit for a period of one year from the date of certification by the NLRB. At the end of that time it would require further legal proceedings to de-certify the union. In short, it is much easier to establish a union than it is to de-certify one once it has been formed.

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Museum of Modern Art Archives

The Museum of Modern Art

To The Staff
From Richard H. Koch
Date June 1, 1971
Re Union Election

The list of staff members who are eligible to vote in the union election to be held on Friday, June 4 has been posted on the principal Museum bulletin boards.

As you know, the election will be conducted by secret written ballot in the Founders Room between 10:30 a.m. and 2:00 p.m. Copies of a sample ballot have also been posted on bulletin boards. The result of the election will be determined by a majority of those voting, and everyone eligible to vote is urged to do so.

The list of the managerial, supervisory and confidential employees whose positions are excluded from the potential bargaining unit and who are therefore not eligible to vote has been generally distributed, together with the list of those whose managerial or supervisory status is in dispute between the Museum and the union. Those whose names are on the latter list are likewise urged to vote, even though they will be technically challenged, since their ballots will be counted if they might be determinative of the outcome of the election.

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The Museum of Modern Art

To The Staff
From Richard H. Koch
Date May 28, 1971
Re Union Election

Here is the list of managerial, supervisory and confidential employees excluded from the proposed bargaining unit by agreement between the Museum and the Staff Association:

Director of Architecture and Design	Arthur Drexler
Bookstore Manager	Katherine Shemeld
Assistant Bookstore Manager	Jerry Matherly
Building Manager	Matthew Donepp
Production Supervisor	Charles Froom
Maintenance Supervisor	Emil Cioc
Conservator	Jean Volkmer
Director of Corporate Relations and Development	Charles Hesse
Associate Curator of Drawings	Elaine Johnson
Director of the Museum	John B. Hightower
Administrative Assistant to the Director	Elaine Naramore
Director of Exhibitions	Wilder Green
Director of Film	Willard Van Dyke
Associate Director of Film	Margareta Akermark
Director of Finance	Hans van den Houten
Assistant to the Director of Finance	Franz Skryanz
Chief Accountant	Sal Salibello
Manager, Financial Operations	Earl Idell
Supervisor Publications Accounting	Gertrude Sojcher
Director of Administration	Richard H. Koch
Associate Counsel	Miriam G. Cedarbaum
Director of the International Program	Waldo Rasmussen
Coordinator of the International Study Center	Susan Stedman
Librarian	Bernard Karpel
Supervisor, Lobby Desk	Josephine Lenfesty
Assistant Supervisor, Lobby Desk	Michele DeSilva
Director of Membership	Emily Stone
Associate Director of Membership	Barbara Elliman
Director of Painting and Sculpture	William Lieberman
Chief Curator	William Rubin
Director of Personnel	Ann Pellegrino
Assistant Director of Personnel	Patricia Connell
Personnel Assistant	Eleanor Keating
Director of Photography	John Szarkowski

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Chief Photographer
Associate Curator of Prints
Director of Publications
Business Manager of Publications
Editor in Chief*
Managing Editor
Supervisor of Rights and Reproductions
Manager of Purchasing/Services
IBM Supervisor
Mailroom Supervisor
Director of Public Information
Public Information Coordinators

Registrar
Manager, Restaurant
Assistant Manager, Restaurant
Supervisor of Security
Assistant Supervisors of Security

Manager of Special Events
Warehouse Manager (449 W. 49th St.)
Secretaries to the Director of the Museum,
Director of Administration, Director of Finance
and Associate Counsel

James Mathews
Riva Castleman
Richard Oldenburg
Marna Thoma

Carl Morse
Richard Tooke
Joseph McElhinney
Irwin Berken
Robert McCormack
Elizabeth Shaw
Linda Gordon
Diana Goldin
David Vance
Ake Dyling
Brita Humby
Fitzroy Williams
Ely Moizman
Elroy Clarke
Jerome Hubel
Bernard Silver
Michael Hardin
Albert Coppola
Sarah Hoge
Robert Kobayashi
Philae Carver
Nancy Burtchby
Anita Peduto
Sarah Schwartz

*Although the position of Editor in Chief has been excluded from the unit it has been agreed that Helen Franc, who currently holds that title, may vote in the election.

The Museum considers the following classifications to be managerial or supervisory, whereas the Staff Association maintains that they should be included within the bargaining unit. Therefore, in order to expedite the election, the Museum and the Staff Association have agreed that the following persons may vote in the election, subject to challenge and, if necessary, to eventual determination of their status by the National Labor Relations Board:

Curators

Ludwig Glaeser
Emilio Ambasz
Peter Bunnell
Grace Mayer
Donald Richie

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Associate Registrars

Associate Librarian
Assistant Director of the Exhibition Program
Assistant Director of the International Program
Graphics Coordinator
Associate Conservator
International Council Administrator
Assistant Chief Accountant
Senior Accountant
Supervisor of Accounts Payable

Elizabeth Burnham
Teri Varveris
Inga Forslund
Richard Palmer
John Stringer
Carl Laanes
Tosca Zagni
Cynthia Balart
Bernard Waxelbaum
Ann Ristuccia
Erna Ladage

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Museum of Modern Art Archives

(PLM)

The Museum of Modern Art

To The Staff
From John B. Hightower
Date May 26, 1971
Re Union Election

Yesterday, at a meeting held among representatives of the Museum, the Staff Association and the National Labor Relations Board, it was decided that a union election will be held on Friday, June 4. The outcome of the election, as you all know, will determine whether or not the Professional and Administrative Staff Association of the Museum of Modern Art, Local 1, Museum Division, Distributive Workers of America, is to be the collective bargaining agent representing all members of the Museum's staff other than those with supervisory positions or those who are already represented by another union.

Within the next few days we will publish a detailed list of the positions excluded from the proposed bargaining unit on the basis of their managerial, supervisory or confidential nature. After many discussions between the attorneys for the Museum and the Staff Association, agreement has been reached with respect to the status of most of these positions. Although the supervisory nature of a few are still in dispute, rather than delay the election the Museum and the Association have agreed that the ballots cast by the persons holding these positions will be set aside and counted only if they would be a determining factor in the outcome of the election. Should it turn out that they are a determining factor, a final resolution regarding these few positions, both to the counting of votes and their inclusion in the bargaining unit, will be made by the National Labor Relations Board.

Everyone should understand that the outcome of the election will be decided by a simple majority of those who actually vote -- not a majority of those who are eligible and, for whatever reason, decide not to vote. Unfortunately, the NLRB is unable to provide for absentee ballots largely due to the limited amount of time before the election. Consequently everyone eligible should be sure to be here, if at all possible, on June 4 to cast his ballot. The voting will take place in the Founders Room, between 10:30 a.m. and 2:00 p.m. on that day, by secret written ballot, under the supervision of a representative of the NLRB.

Undoubtedly a number of questions will arise; in anticipation of some of them a fact sheet will be prepared and sent out by me within the next several days.

- The point is to vote -
- MOMA staff assoc. wants open shop -
Saw Ballot

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Important - keep (P.L.M.)

The Museum of Modern Art

in Reports

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To The Staff
From John B. Hightower
Date March 29, 1971
Re Discussion With The Staff Association

Forgive me for one more arm's length memo but it seemed advisable to have this one for you in written form. Attached, as you will see, is a draft of Proposed Recommendations which I plan to submit to the Trustee Personnel Committee. It is important to recognize that these recommendations will be made to the Personnel Committee on behalf of the entire Museum staff, although they are based on Task Force reports resulting from discussions of the demand letter sent by the Staff Association on January 11, 1971.

You may also know that a meeting was held last Friday to discuss these recommendations with representatives of the Staff Association before their circulation to the entire staff. I feel it is important for me to let you know the results of that meeting, at which the following proposals were made by the representatives of the Staff Association:

1. that the minimums of all salary grades proposed for the Museum by Cresap, McCormick, and Paget be increased by 10%, and that none be below \$7,000;
2. that all salaries be brought at least to the adjusted minimum of their grade, retroactive to January 1, 1971;
3. that everyone be guaranteed an increase, retroactive to January 1, 1971 of at least 24%;
4. that a Reclassification Board be established for the re-grading of positions, the Board to consist of one Museum designee, one Staff Association designee, and one designee agreed to by both;
5. the foregoing salary adjustments to remain effective until December 31, 1971.

The financial implications of this proposal would be to increase immediately the operating deficit of the Museum by \$500,000 during the current fiscal year, and by approximately \$1,000,000 during the coming fiscal year. Consequently, I was unable to agree to recommend the Association's proposal to the Trustees. It was explained, however, that an allocation of \$300,000 will be proposed for salary increases for the coming fiscal year, subject, of course, to review by both the Personnel Committee of the Trustees and the Finance Committee before final submission of the budget to the Board of Trustees.

The representatives of the Staff Association and their attorney requested that the impasse on salaries be subject to final determination by an outside arbitrator. Since this would, in effect, substitute the judgment and authority of an outside individual for that of the Board of Trustees I could not accept this proposal, and suggested that we proceed to discuss the considerable number of proposed recommendations on which there appeared to be substantial agreement. Although the meeting was adjourned at that point, I am hopeful that further discussions can be arranged.

(over)

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Since these matters are of great interest to the entire staff, I will welcome comments and suggestions from all of you before I submit my recommendations to the Personnel Committee.

The statement of principles and the salary ranges referred to on the first page of the attachment are contained in an addendum following page 8.

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DRAFT
3/23/71

PROPOSED RECOMMENDATIONS OF THE
DIRECTOR TO THE
TRUSTEE PERSONNEL COMMITTEE

Salaries

The Director is in agreement with the three principles stated in the preamble of the report of the Task Force.

Curatorial salary ranges as set forth on page 4 of the report of the Task Force are comparable to the salary scales of leading northeastern universities for positions comparable in responsibility. However, the Museum's functioning is profoundly different in many significant respects from that of a university, and direct parallels cannot be assumed between their staffs.

Salary ranges for non-curatorial positions should be competitive with scales in effect for comparable work in the New York area, and will be regularly reviewed to insure that they remain competitive.

The structure designed by Cresap, McCormick & Paget provides a sound and flexible approach to the problems of salary administration. There will be an over-all annual review of the grading of all positions, the first of which will be completed in the current calendar year. Specific inequities have been and will continue to be corrected as they become apparent. Any staff member who believes that his position has been improperly graded has the right to request a review through his department head. Claims by staff members that they have been improperly graded should be reviewed by ad hoc committees comprised of department heads having jurisdiction over jobs in the grades

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in question, together with the Director of Personnel and the Director of Administration, with final review by the Director of the Museum.

Salaries will be periodically reviewed and adjusted on the basis of evaluation of the performance and potential of the individual, rather than on an automatic rate of advancement.

Educational Benefits

The desirability of sabbatical leaves for curatorial personnel of the rank of Assistant Curator and higher is recognized, subject to the availability of funds and the adequate staffing of the department in the absence of the person on leave. The institution of a sabbatical leave program, and its funding, will be recommended to the Trustees.

Curatorial department heads are responsible for organizing their department's work to allow a substantial portion of curatorial time for research related to the program and collection. Research outside the Museum is an essential activity of curatorial departments, but its scheduling is a matter to be determined within each department.

The Museum's present program of tuition aid should be expanded to provide at least 50% toward the cost of tuition and fees for staff members with at least one year's service for courses taken relative to Museum skills, including languages, on their own time. The policy in recent years has been to limit tuition aid to 50% of cost up to a maximum of \$75 per person per term; it is hoped that additional funds can be made

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available so that this limit can be increased, subject to the scale of the over-all demand. The Director or his delegate should pass upon all applications, in consultation with the supervisors of the applicants.

The Museum's present policy of providing in departmental budgets for the cost of travel for Museum purposes, and the determination by department heads of the staff members who should do such traveling, should be continued.

Policy Participation

Meaningful procedures already exist by which the Museum staff effectively participates in the recommendation of policy through the heads of their departments and the Director of the Museum. Members of the curatorial staff are actively involved in the planning of the program in their respective areas, and the over-all program is formulated by the Directors of the Curatorial Departments and the Director of the Museum for submission to the Board of Trustees and its various Committees.

Policy decisions are made by the Museum's Board of Trustees in the light of recommendations made by the Director after consultation with others, including Department Heads, who are in turn responsible for knowing and giving due consideration to the opinions of their staffs. A staff member who feels that his interests, or those of his department, are not being adequately represented by his department head, is free to communicate directly with the Director of the Museum.

Staff members who wish to be heard by the Trustees may apply to the Director for permission to appear before the appropriate

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Trustee Committee. In many cases, staff members below the department head level already meet regularly with the Trustee Committees responsible for their departments.

The scope of the proceedings of the Board of Trustees cannot be limited by the agenda, nor can the Board ^{abolish} abrogate its responsibility concerning the content and circulation of the minutes.

A very broad representation of the staff at all levels meets on a regular basis in the following groups: Curatorial Council Committees, the Coordinating Committee, Department Heads and Section Heads, combined, and the Director's General Staff Meeting. Many of these groups are studying and making recommendations concerning the revision of various Museum procedures. A staff member who believes that the decision-making process in a particular area needs revision should bring the matter to the attention of his department head, and subsequently to either the Chairman of the appropriate Committee of the Curatorial Council or the Director of the Museum.

Job Security

The Director recommends that the Trustee Personnel Committee begin promptly a study of the desirability of a formal tenure system similar to those operative in some universities and colleges. The Director is unwilling to recommend, however, the adoption of any limitation on the right and responsibility of the Museum's management to determine the job structure of the institution.

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It is difficult to anticipate the precise circumstances in which the termination of an individual might work particular hardship. In arranging for severance pay it is the intention of the Museum to take special circumstances into account and to respond accordingly.

Grievances

The Director recommends establishment of a Grievance Committee and a formal grievance procedure, whereby a full and fair hearing, with right of appeal, is assured in the event of any deviation from or violations of standing policies.

The Grievance Committee, which would be a standing committee of the staff, would contain six members, four of them appointed by the Museum Director and two elected by the staff at large. A regular procedure would be followed by an employee with a grievance, whose case would be heard first by his department head, and then by the Director of Personnel; then, failing a satisfactory resolution, it would go to the Grievance Committee, following which it would be reviewed by the Director of the Museum, and, in his discretion, by the Personnel Committee of the Board of Trustees.

The assignment of work to various members of the staff is a matter for the judgment of their department heads, and should not be considered as a grievance to be processed through the foregoing machinery. It is considered essential to the flexible functioning of the Museum that staff members of all levels be encouraged to perform a variety of functions, both for the development of their own careers and for their maximum effective-

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ness. In case a staff member believes that he is consistently assigned to duties outside of his grade, his recourse should be through the procedure for regrading proposed above.

Museum personnel should receive first consideration for vacant higher positions in the table of organization, regardless of their length of service. However, it is the Museum's position that job titles are fundamentally indications of responsibility, not solely of experience and ability, and that the table of organization is not infinitely flexible. Salary ranges within title should be sufficiently broad to make possible satisfactory levels of reward and recognition without distorting departmental structures.

The role of the staff of a department with respect to a proposed promotion within that department or the filling of a vacant position should be considered as part of the proposed study on tenure.

The Director concurs as to the desirability of an orientation and training program for all new Museum employees.

The Director agrees that the existing rule limiting the employment of members of the same family should be waived in cases where no conflict of interest or supervisory relationships exist.

With respect to staff members whose employment was terminated prior to December 29, 1970 it is the Museum's position that the matter was covered by the joint statement of the Museum and the Staff Association dated December 29, 1970.

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The Museum guarantees that detective and surveillance procedures and devices will not be used without employees' knowledge, and that such procedures and devices shall only be used when consistent with rights of privacy and shall not infringe on personal civil liberties.

Benefits

Not less than half of a staff member's yearly vacation should be taken in the year in which it is earned, and not more than half should be carried over into the following year, and then only if the department head of the individual involved gives advance approval of the carry-over as necessary for the program of the Museum. Hence an employee would be entitled to a maximum, in any year, of 1-1/2 times his total vacation entitlement.

The sick leave allowance should be increased to 12 days per year, and unused sick leave should be accruable up to a maximum of 60 days. There should be no right, however, to any payment of cash in lieu of sick leave or of unused vacation.

Sick leave credit should also be granted retroactively upon the successful completion of the probationary period. Three days of "personal and religious leave" should be allowed per year, to be taken with advance notice to the department head and not to be taken in conjunction with vacation or Museum holidays. Such personal leave days should not be accruable from year to year.

With respect to maternity leave, the Director believes that the Museum's present policy is sound and should be maintained.

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The Museum's group insurance plans are presently under review, and will be revised from time to time as improvements become possible.

It is expected that the pending revisions of the Museum's pension plan will have been completed by April 15, 1971.

There does not appear to be a need for a full-time nurse at the Museum, since several doctors are available on call in the event of emergencies. The possibility of improved medical emergency facilities is being explored.

The Director recommends that the Museum assume part of the cost of annual medical checkups for members of its staff.

The Museum has instituted a survey of its physical facilities, which are being improved and upgraded as rapidly and as thoroughly as available funds permit.

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Addendum to March 23, 1971 Draft of Proposed Recommendations
of the Director to the Trustee Personnel Committee

Principles stated in the preamble of the report of the Task Force on salaries:

1. The Museum should endeavor to recruit the best qualified staff at every level, and should maintain the quality and morale of the staff by suitable training and equitable, museumwide practices regarding salaries, merit increases, and promotions.
2. Salary ranges for all positions should be known to all members of the staff. Each position should be clearly defined by a job description, and every employee should know the description applicable to his job and the precise grade level of his employment.
3. The ranges of salaries paid by the Museum to its professional staff should be comparable to those paid to members of major university communities in this geographical area.

* * *

Curatorial salary ranges in effect at the Museum of Modern Art:

<u>Title</u>	<u>Grades</u>	<u>Salary range</u>
Curator	28-30	\$16,530 - \$29,460
Associate Curator	25-27	\$12,700 - \$21,740
Assistant Curator	18-24	\$ 8,500 - \$16,270
Curatorial Assistants	13-19	\$ 6,500 - \$10,840

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Staff

Museum of Modern Art Archives

MEETING

THE PROFESSIONAL AND ADMINISTRATIVE STAFF ASSOCIATION OF
THE MUSEUM OF MODERN ART

Local No. 1, Museum Division, DWA

Founder's Room May 6 5:30 P.M.

AGENDA

1. Presentation of a charter by the Distributive Workers of America to the Association.
2. Setting up of a Watchdog Committee on Policy.

It is hoped that the Administration will have responded to the letter from the Distributive Workers of America announcing our affiliation. If so, discussion of this response will take place.

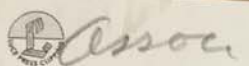
All members of the Association should attend this meeting and other eligible members of the staff are encouraged to do so.

union. Total eligible membership is 250, and Miss Fluegel said more than half had affiliated. The new local will be forming some sort of professional organization, and I think they possibly will be submitting them in writing to me by Monday, and urge everyone who has suggestions to submit them in writing to me by Monday, such suggestions will be carefully considered before the final procedure is formulated and the questionnaires are distributed.

During the whole re-grading procedure we definitely intend to provide for the presence of appropriately elected representatives of the staff below the level of Department Head. Elected representatives of the staff at large will similarly participate in a further procedure, suggestions for which are also welcome, to be established for the review of the grading of any position held by a person who believes that the grade assigned is inappropriate.

Newly established grades will become effective July 1, 1971. Any salary found to be below the minimum of the new range will be adjusted at that time. Salaries will not, however, be adjusted downward.

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NEW YORK, N. Y.
POST
— D. 702,637 —
NEW YORK CITY METROPOLITAN AREA

APR 27 1971

The Museum of Modern Art

Modern Museum Staff Joins Union

The professional and office staffs of the Museum of Modern Art have affiliated with the Distributive Workers of America, it was announced today. The new unit will be called Local 1, Museum Workers.

Jane Fluegel, a professional staff member and one of the organizers, said the union affiliation was the first by professional museum employees. The museum had no immediate comment.

A vote was taken last night on whether to join the union. Total eligible membership is 250, and Miss Fluegel said more than half had affiliated. The new local will

bargain collectively for all the museum's professional and clerical employees, she said.

Membership includes curators, registrars and office staff at the museum, 11 W. 53d St.

Miss Fluegel said that there was a professional organization at the Metropolitan Museum of Art, "and preliminary attempts are being made to affiliate them."

"I think museum professionals across the country are terribly interested in forming some sort of professional organization, and I think they possibly will be

interested in joining us in the union," she added. "Museum employees have been notoriously underpaid for years."

Miss Fluegel said that wages and job security were not the only concerns of the

proposal for an immediate and

all non-union positions at the Museum.

If you will be asked to prepare a descrip-

f questionnaire similar to that which

abored study conducted by Cresap, McCormick

completed last year will be available

finds after reviewing his previous

substantial change in the duties and re-

the qualifications necessary for it,

out a new questionnaire from scratch.

mitted to Department Heads and will be

reviewed by them, when necessary in consultation with the persons preparing

them, before they are forwarded to the Personnel Director.

Before we start procedure for this review, which hopefully will

be completed by mid-June, I would like and urge everyone who has suggestions

for improvements in the procedure to submit them in writing to me by Monday,

April 19. All such suggestions will be carefully considered before the final

procedure is formulated and the questionnaires are distributed.

During the whole re-grading procedure we definitely intend to

provide for the presence of appropriately elected representatives of the staff

below the level of Department Head. Elected representatives of the staff at

large will similarly participate in a further procedure, suggestions for which

are also welcome, to be established for the review of the grading of any posi-

tion held by a person who believes that the grade assigned is inappropriate.

Newly established grades will become effective July 1, 1971.

Any salary found to be below the minimum of the new range will be adjusted at

that time. Salaries will not, however, be adjusted downward.

new union. "We're interested in the decision-making process, too," she said.

Negotiations on a one- or two-year contract, retroactive to Jan. 1, will begin "as soon as possible," she said.

The Distributive Workers of America is best known for representing retail department store employees.

all non-union positions at the Museum.

If you will be asked to prepare a descrip-

f questionnaire similar to that which

abored study conducted by Cresap, McCormick

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Museum of Modern Art Archives

The Museum of Modern Art

To The Office Staff

From John B. Hightower

Date April 13, 1971

Re

I am pleased to report that the Trustee Personnel Committee, at its meeting on Friday, April 9, approved my proposal for an immediate and comprehensive review of the grading of all non-union positions at the Museum. This will mean, as before, that each of you will be asked to prepare a description of his or her job, using a form of questionnaire similar to that which was used last year during the much belabored study conducted by Cresap, McCormick & Paget. Copies of the questionnaires completed last year will be available through Department Heads. Anyone who finds after reviewing his previous questionnaire that there has been no substantial change in the duties and responsibilities of his position, or in the qualifications necessary for it, may simply confirm this without filling out a new questionnaire from scratch. Completed questionnaires should be submitted to Department Heads and will be reviewed by them, when necessary in consultation with the persons preparing them, before they are forwarded to the Personnel Director.

Before we start procedure for this review, which hopefully will be completed by mid-June, I would like and urge everyone who has suggestions for improvements in the procedure to submit them in writing to me by Monday, April 19. All such suggestions will be carefully considered before the final procedure is formulated and the questionnaires are distributed.

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The Museum of Modern Art

To The Staff
From John B. Hightower
Date December 15, 1970
Re

As all of you know, the Museum's operating deficit last year amounted to \$1,200,000 after crediting income from all sources, including all contributions. This year's budget, with expenses running at more than \$8,000,000, may result in a deficit as high as \$1,300,000. Continuing deficits of this size would inevitably mean that within a few years the Museum's relatively small endowment fund will be entirely exhausted. There is, in fact, virtually no area in which the Museum's income has kept pace with the upward spiral of operating costs, and it is clear that until we can find means to increase revenue very substantially from new sources we have no alternative but to reduce expenses drastically.

Accordingly, the Trustees have ordered a cost reduction program which is expected to save about \$240,000 in expenses this year and more than \$500,000 in the following year. The most painful element of this program, of course, is a Museum-wide reduction in staff which will affect almost every department. In all, thirty positions are involved, eighteen of which, already vacant by normal attrition, will either not be filled at all or, in a few cases, will be filled only on a part-time basis. In addition, we will have to release, or reduce to a part-time basis, twelve members of the present staff. We are endeavoring to find jobs for them elsewhere, and are seeking the aid of Trustees and other friends who have business associations which could be helpful.

Of the positions involved in this reduction, eight are in the Director's Office and Curatorial Departments, twelve in Program Services, five in the area of Membership, Public Information and Development, and five in Administration.

Until further notice, all positions becoming vacant by normal attrition are to be filled only with my specific authorization.

Other economy measures which are being taken include:

Suspension of the Members Newsletter after publication of the next issue.

Closing the Library to the public. Because of reductions in the Library staff, after January 1 access to the Library will have to be limited to members of the Museum staff.

Reduction in the number of temporary exhibitions presented by the Museum.

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Possible elimination of outgoing loans of works of art except for commitments already made.

Substantial reduction in the amount of official Museum entertaining. In addition, after January 1 there will be a charge for drinks at all functions of this kind.

A 10% reduction in the general expenses of each department. Since the current fiscal year is almost half over, this will mean a 5% cut in the amount of budgeted funds. (30%?)

I deeply regret that these steps have to be taken at this time. Needless to say, I look forward to a time when we can enjoy a sense of expansiveness rather than the constant threat of cutting back. I hope these measures have begun to accomplish that.

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The Museum of Modern Art

Important
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To The Staff
From Richard H. Koch
Date January 5, 1971
Re

I would like to clarify the Museum's position with respect to recent developments in the relations between the Museum's administration and the Professional and Administrative Staff Association.

As you all know, the Association threatened a work stoppage unless the Museum agreed to continue in their jobs, pending a recognition election and collective bargaining between the Museum and the Association, certain staff members whose termination was to take effect December 31st because their positions had been eliminated for economic reasons. After discussions between representatives of the Association and of the Museum's administration, the Museum agreed to retain on its payroll in other jobs those scheduled for layoff on December 31, 1970, who wish to remain, until an agreement has been reached with the Association as to the propriety of the layoffs or until a collective bargaining agreement has been negotiated between the Museum and the Association, whichever is earlier.

The Association has asked to be recognized as sole representative, for collective bargaining purposes, of all of the members of the curatorial and administrative staff who are not already represented by another union and who are not employed in a managerial or supervisory status.

The Museum's administration said that it would not and could not recognize the Association as representing anyone other than its own members unless the Association receives a majority vote in an election conducted by secret ballot under the supervision of an impartial outside agency, such as the National Labor Relations Board. This is essential to insure protection of the rights of non-members of the Association and of staff members who, though they may be members of the Association, may not wish to be represented by it as a collective bargaining agent. The Museum did, however, agree to consent to such an election if the Association wishes one.

Preliminary to such an election there must be a determination of the eligibility of various staff members for inclusion in a collective bargaining unit and hence for voting in the election. This is necessary because persons holding managerial or supervisory positions are not normally eligible for union representation. A supervisor is defined in the National Labor Relations Act as being any individual having authority to hire, transfer, suspend, lay off,

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recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or to effectively recommend such action; provided that the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. In the event that the Museum and the Association cannot agree as to the eligibility of a particular staff member for union representation, this question, too, will have to be resolved by an impartial outside agency.

If in such an election a majority of those eligible to vote cast their ballots in favor of representation by the Association, then, by law, the Association must be recognized as representing all of those who occupy positions eligible for such representation, whether or not they voted in favor of it.

The Museum has agreed to negotiate on such matters as salaries and job security and other conditions of employment. The Association asked that these negotiations be conducted against a pre-established deadline, and that the Museum agree, even before beginning negotiations, to submit to binding arbitration any matters remaining unresolved on the deadline date. The Museum did not agree to these requests.

Throughout our discussions, the Association acknowledged that such matters as changes in the organizational structure and the creation and elimination of positions are management prerogatives and are not subject to negotiation. The Association asked, however, to be heard on such matters, and the Museum agreed to discuss them with the Association when appropriate.

A number of staff members have indicated that they do not wish to join the Association or to affiliate themselves with a labor union. The Museum respects and will respect their position equally with that of those who are members of the Association. I want to emphasize that no staff member needs to be a member of the Association in order to have access to the Museum's administration or to be heard on any matter whatsoever.

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August 4, 1971.

To the Members of the Professional and
Administrative Staff of the Museum of
Modern Art:

THE Museum has promised to present to the Negotiating
Committee of the Association, today, its projections for future
cutbacks in Museum programs. We have been told that the plan
will, further, set forth the titles, and numbers thereof, of
individuals to be dismissed by the Museum.

Obviously, the Museum's plans are serious, both for Associa-
tion members and the future of the Museum and should and will
be treated as such by the Association.

This report is for the purpose of advising the membership of
certain general ground rules which, in my opinion, both the
Association Negotiating Committee and the Museum will be
obliged to follow under the law.

First, although the matter is not entirely free from doubt,
in my opinion the Museum is obliged, as a matter of law, to
fully negotiate the proposed dismissals with the Association.
Recent cases of the U. S. Supreme Court, as interpreted by
the National Labor Relations Board, all subsumed under what
is known as the "Fibreboard Doctrine", require employers to
negotiate reductions in force with certified bargaining repre-
sentatives. Given the Museum's past history of negotiating
staff layoffs with the Association and given the fact that the
Museum's financial condition, however bad it may be, hardly
requires the closing of the Museum in a matter of months if
the dismissals are not immediately effected, there is and
there should be, ample time for the Association and the Museum
to negotiate to a successful conclusion any differences which
may exist between them regarding the proposed dismissals.

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It is of course clear that the Museum's obligation to bargain over the proposed dismissals does not necessarily mean that the Museum is obliged to change its present plans. The "duty to bargain in good faith" which the law imposes on the Museum is hard to define with perfect specificity. The best definition of that duty which I know is the duty to enter into negotiations with the Association "with an open mind", subject to change as the facts underlying the proposed decision are mooted by the parties. Accordingly, to a very significant degree, facts regarding the efficacy and propriety of the proposed dismissals will play an important role in determining the Museum's obligation to alter its present plans.

We shall be asking the Museum to make no announcements or decisions regarding the individuals who would be affected if present Museum plans were to be implemented. Our position in this regard results from the fact that negotiations regarding reductions in force will necessarily become clouded if the focus of discussion becomes individuals in question rather than the broad policies behind the proposed dismissals. Obviously, those against whom the Museum would presently act if its plans were to be implemented in toto will know shortly enough if the Museum intends to convert what ought to be negotiations regarding policies into a debate over specific individuals.

The coming bargaining will test the Bargaining Committee and the entire Association. The Association will act responsibly, in the best interests of its membership and the Museum. I hope that this letter, setting forth certain basics regarding the nature of the interplay which will be taking place between the Association and the Museum, will serve as a step in that direction.

One further note. Up to now the Museum and its counsel have acted responsibly and admirably in negotiations with the Association. Substantial progress has been made in the areas of in-service education and orientation programs, sabbaticals, research leaves, course attendance, and Association participation in Museum policy making. Clearly, issues regarding proposed reductions in force and salaries will constitute more

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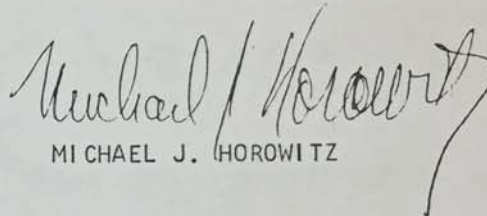
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critical tests of Association and Museum goodwill in an effort to reach an accommodation in the interest of all. Based on the past, and speaking in an entirely personal fashion, I am optimistic of the goodwill and capacity of all parties.

Good luck to us all!

Very truly yours,


MICHAEL J. HOROWITZ

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